The Rise of the Nobody Memoir

Burma: Not Evil Enough?

The Washington Monthly

April 2002

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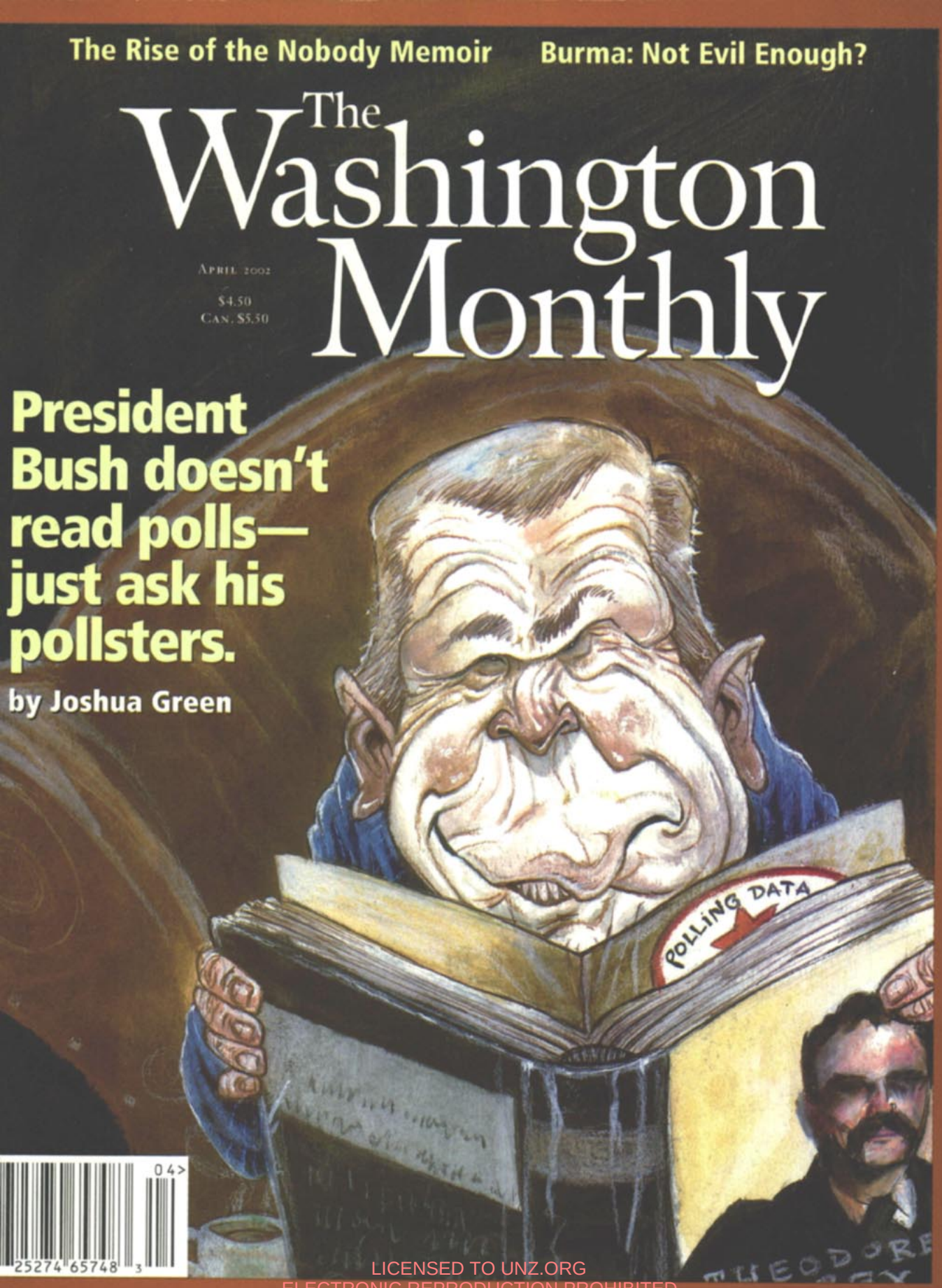
President Bush doesn't read polls—just ask his pollsters.

by Joshua Green



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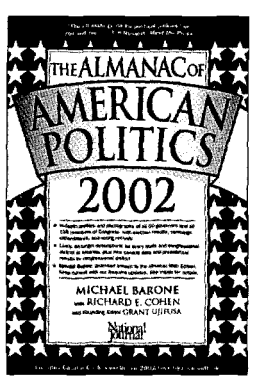
"Behind the Shore are swamp and flatland, the Pine Barrens and vegetable fields that give New Jersey the name 'Garden State.' Growth has been slow in these small towns and gas station intersections, communities in whose eerie calmness in the summer you can hear mosquitoes whining."

—*The Almanac of American Politics on New Jersey's 2nd Congressional District*



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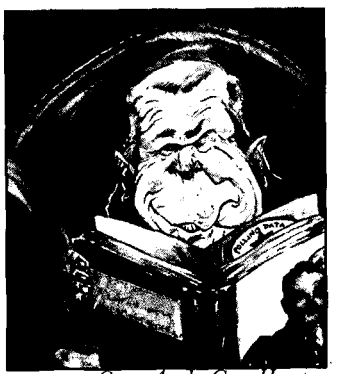

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Letters

Selective Service

I wish to take exception to the manner in which Joshua Green's article ("The *Other* College Rankings ... " January/February 2002) listed Warren Wilson College as "one of the worst" when it comes to national service. The reason why we did not show a large percentage of service through the work-study program is because service at Warren Wilson is not a paid endeavor, but given in the spirit of volunteerism by all our students. Each year, our small student body of 800 contributes over 30,000 hours of service to such projects as Habitat for Humanity, homeless shelters, environmental cleanup, tutoring in schools, and many others. We probably allocated a larger percentage of the total institutional budget for service-learning than any other campus. Your ranking system is way off the mark for an institution such as ours that does not fit neatly into your "work-study funds" methodology.

DOUGLAS M. ORR, JR.
President, Warren Wilson College

Joshua Green accuses schools of having abandoned their commitment to community service because they do not use federal work-study funds to assign students to paid community service. What he fails to note is a difference of perspective on the issue. Not all schools believe that paying students for community-service work is the best way to encourage them toward service. Our university is founded upon and committed to Franciscan ideals, including the value of community and the dignity of all. We encourage our students not only to learn these ideals, but to live them. We have never had a service requirement, yet are deeply committed to service, as are our students. However, that's the key: They volunteer; they *choose* to serve. We consider voluntary service to be true service; if you are paid, it's a job. America's best colleges aren't its worst; we simply choose to approach service differently.

ROBERT J. WICKENHEISER
President, St. Bonaventure University

Please share with your readers that University of North Texas didn't actually belong on your "Worst of the Worst" list. The real percentage we spent on community service was 9.6 percent, a number I expect will continue to grow.

CAROLYN CUNNINGHAM
Director of Student Financial Aid and Scholarships, University of North Texas

You could have bolstered your own service ethic by getting the names of the colleges right. Virginia Polytechnic State Institute and State University is the official name for what is commonly known as "Virginia Tech." In my journalistic writing class at Virginia Tech, I learned the importance of accuracy. You obviously did not.

SUSAN D. STRAYER
Washington, D.C.

Joshua Green replies: Presidents Orr and Wickenheiser are conflating volunteerism and work-study. They're two different things. As the article explained—and nonprofits attest—work-study students are preferable to volunteers because they're more reliable; their financial aid depends on them showing up for work. Critics may sniff at the notion of payment, but they shouldn't. Work-study enables many students to attend college who otherwise couldn't. If St. Bonaventure wishes to "approach service differently," that's fine by me. But the government may not be so understanding. Performing work-study service isn't a choice, it's federal law—one that President Bush wants to strengthen by requiring that 50 percent of funds go to service. As for Ms. Strayer, we'll gladly run a correction as soon as the Virginia Tech football team changes its jerseys to read "Virginia Polytechnic State Institute and State University."

Seeing Red Over Yellow

Seth Mnookin's review of my book *Coloring the News* ("Yellow Journalism," January/February 2002) is filled with mistakes and misrepresentations. He writes that "McGowan acknowledges that the Free Press was willing to publish his book; it was the author who balked" before seeking a new publisher, Encounter Books. Completely untrue. I never acknowledged in the least that the Free Press was willing to publish my book because they were in fact not willing to do so, for reasons which were entirely political and in no way connected to the manuscript's quality. My comment, which he quotes, about the Free Press not supporting the book had I stayed, was entirely hypothetical, and wrenched completely out of context.

Shortly before I delivered my manuscript, in November 1998, the Free Press had a change in editorial director who initiated a substantial shift in editorial vision. I gave the Free Press exactly the book they had contracted for, but they no longer wanted it. Two different literary agents, a publishing industry consultant and a prominent Manhattan literary attorney reviewed my situation. Although the Free Press was being legally coy in their handling of my book, these advisors concluded that if I wanted *Coloring the News* to see daylight I should take it elsewhere. I did this, reluctantly. Why would I want to leave an established house like the Free Press for a then-fledgling, Encounter, and to do so still owed the second half of my advance?

I urged Mnookin to contact former Free Press editorial director Adam Bellow, who clearly believes *Coloring the News* was purged for "ideological" reasons. Instead Mnookin relied on the sole opinion of the former second-string editor, Mitch Horowitz, who said it was a "complete fabrication" that the Free Press had backed out. Mnookin makes no mention that Horowitz had left the Free Press months before I delivered, and had absolutely no awareness of what had transpired in the back and forth between me and the new regime.

Mnookin also writes that "McGowan seems to have done little research since the mid-90s, when he initially signed on to write his book." He adds: "A humorous example of how out-of-date this book is: Anna Quindlen is the most frequently cited *New York Times* columnist, and she hasn't worked for the paper since 1994." This is also not true. Six of the book's eight chapters open with substantial anecdotes from 1996 and beyond. I examine a few dozen stories from after February 1995, including the UNITY Convention of 1999; the *Miami Herald*'s coverage of Elian Gonzalez case in 1999 and 2000; the *New York Times* coverage of the Amadou Diallo case in

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1999 and subsequent trial in 2000; and miscoverage of the running battle between the courts and the Boy Scouts over gay issues in 1999 and 2000.

As for the Quindlen jab, Bob Herbert is the most frequently cited *New York Times* columnist—seven citations in the index to Quindlen's four—and he's still at the *Times*. Additionally, every reference to Herbert relates to news stories that occurred after I signed on to do the book. Yellow journalism? Mnookin's review, not my book.

WILLIAM MCGOWAN
Author, Coloring the News
Former editor, The Washington Monthly

Seth Mnookin replies: McGowan's publicist at Encounter Books claimed that the Free Press refused to release Coloring the News *because it was too controversial. This is simply not true. What happened is McGowan's original publisher asked for revisions to a manuscript. As any writer knows, this is common practice. If McGowan felt like this call for revisions meant his project wasn't going to get the time and energy it deserved, it was certainly within his rights to pull his book and sell it elsewhere, which he did. But to use this as proof of the liberal media conspiracy is ridiculous. Ignoring the question of whether 1996 counts as the mid-1990s or not, I'll stand by my claim that this book is woefully out of date. A couple of choice illustrations, sprinkled in at the beginning of this or that chapter, do nothing to change that.*

Debating Daschle

Thanks from a South Dakota resident and taxpayer for "Daschle's Hillary Problem" (January/February 2002). This is an issue that should be talked about more than it has been, and the facts needed to be addressed. As for Tom Daschle, in spite of his high-ranking Senate position, I am one taxpayer who could NOT be convinced to support this man under any circumstances.

PATTY JOHNSON
via email

I sure wish *The Washington Monthly* had called me to discuss Linda Daschle for its recent article. While in my professional life I have actively pursued issues of interest to the airline industry and the flying public, in my personal life I have been a friend of Linda's for over 20 years.

Over the years, I have repeatedly challenged the airline industry to improve its consumer and safety practices. The record shows that industry has aggressively opposed a variety of my positions. Yet in the score of social settings I have shared with Linda over these years, despite having ample opportunity to do so, Linda never once raised an airline issue with me.

My experience with Linda during her tenure at the FAA was a somewhat different matter, however. There I called upon her and the FAA to place online critical information about significant safety violations by the airlines so consumers could factor this information into their decisions. Previously, only portions of this information could be obtained, and only then by filing a Freedom of Information Act request. While the industry did not favor my proposal, Linda sided with consumers and made airline safety violations publicly available online. To this day, people stop me to tell me how useful they find her significant consumer reform.

RON WYDEN
U.S. Senator

Fabio Fights Back

Katherine Marsh's article, "Fabio Gets His Walking Papers" (January/February 2002), has me seeing red! I doubt the writer's ever read a Harlequin book. I have. I own over 200 of them. I have been collecting them for over 10 years. And guess what? I'm not middle-aged, married, or divorced. I'm 24 and dating. Had Ms. Marsh spent a half-hour on Harlequin's website (www.eharlequin.com) she would have found herself a message board setup with over 2,000 members, at least half of which are under 30.

Romances are a treasure. They lift our spirits and remind us that sometimes things do work out in the end. They give us hope. Just like a book is supposed to. Just like one day I hope mine will. Until then I am thankful that there are so many wonderful romance writers out there, and hundreds more in progress, keeping those bookshelves packed so I have something to read while I wait.

JENN CARPMAN
Quebec, Canada

The Washington Monthly

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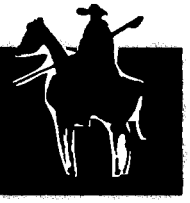
Tilting at Windmills



By Charles Peters

Rummy's Retreat • Rural Tribeca • Respirators for Rangers
43's Four Failures • The Power of the Media Lobby

The population of Los Angeles County is 10 million, more than that of 42 states. Its county supervisors are "among the most powerful public officials in America," according to *Governing* magazine. Yet almost no one in the rest of the country knows who they are. Indeed, that ignorance is shared by a good many residents of the county. This reflects the almost total neglect of county government by the press, even though counties are often responsible for police and fire protection, and water and sewage systems in unincorporated areas, and also frequently for roads, bridges, airports, and schools. But *Governing* cannot be charged with that neglect. The fellows who put it out, Peter Harkness, Elder Witt, and Alan Ehrenhalt, are notable for attending to what's going on at the state, county, and municipal levels of government that are the subject of vast inattention by media biggies in Washington and New York. *Governing* recently presented a report card on county governments. The best are Fairfax County, Va., and Maricopa County, Ariz.; the worst is San Bernardino, Calif.

••••••••

The most pathetic utterance on the recently released Nixon tapes came from Arthur Burns, himself a Jew, then the Federal Reserve Board chairman, who told Nixon, "In all the years I've known you, I've never heard of what even resembled what could be interpreted as a touch of anti-Semitism." Of course, the rest of the tapes overflow with Nixon's vicious anti-Semitism, a sentiment that seemed to be fully shared by quite a few of the notables to whom he confided, including the Reverend Billy Graham, who should be thoroughly ashamed of himself, and the former Texas governor and secretary of the Treasury John Connally, who after Nixon told him "look at the Justice Department, it's full of Jews," replied, "Any place of power."

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Remember that promise by the administration that all flights into Washington, D.C., would have a federal marshal aboard? It pretty much is, as bureaucrats love to put it, "no longer operative." Al Aitken, the head of the Allied Pilots Association's Washington unit, tells *The Washington Post* that at least a dozen pilots flying into Washington report a decline in the number of marshals aboard. What's happened is that the Transportation Department has been increasing the number of flights into the city without regard to having enough marshals to staff them. The *Post* confirms, by the way, an item reported in this space last fall about how few air marshals were available on September 11. We said 32; the *Post*, "fewer than 50."

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Gretchen Morgenson of *The New York Times* is one of the few people in the media who, before Enron's collapse, blew the whistle on brokerage firm analysts who made "wildly bullish pronouncements about companies that could benefit themselves or their firms." Now she says that they still don't seem to have learned that this is a no-no. She cites the case of Holly Becker, a Lehman Brothers analyst who recently puffed Alloy Inc. Becker praises Alloy's "proven profitable business model." Morgenson points out, however, that "Alloy has incurred nothing but losses since its inception."

Morgenson notes that Becker's "buy" rating came just after her employer, Lehman Brothers, had managed an offering of 6 million Alloy shares, and as Lehman continued to make a market in Alloy securities. A disclaimer accompanying Becker's report adds that "an analyst who contributed to the report (or a member of his or her household) owns shares [in Alloy]."

The Wall Street Journal recently reported that the compensation of many of these analysts is tied to the amount of business their firm gets from the companies they rate.

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The Clinton administration's proposal to prohibit snowmobiles in Yellowstone National Park is in danger of being overturned by the Bush administration. Bush's Interior Department has proposed three alternative policies, two of which will permit the snowmobiles to continue using the park. Most of the public has supported keeping the snowmobiles out of the park because of the noise they make and the pollution they emit. "Pollution at the West Entrance of Yellowstone has become so intense," writes Katharine Q. Seelye of *The New York Times*, "that the National Park Service has had to pump fresh air into the booths staffed by park rangers there, and last week provided respirators for them, as well."

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Last fall I urged the Bush administration to make sure that the Islamic world knew what the United States had done to protect Muslims and to restore peace in Bosnia and Kosovo. They have not taken my suggestion. Could it be because the Clinton administration was

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responsible for what we did in Bosnia and Kosovo, and that Bush's father had seemed indifferent to the violence?

There may be a similar explanation for Bush's failure to explain to the Islamic world what the U.S. has done to promote peace in the Middle East. After all, it was the Carter and Clinton administrations that by far did the most for peace.

Instead of praising the Clinton effort in the Middle East, Bush White House spokesman Ari Fleischer criticized it for making an attempt to "push the parties beyond where they were willing to go." But publicly stating what the White House privately thought was deemed imprudent, so Fleischer was forced to repudiate his remark.

Thus far Fleischer appears not to have been asked to retract another of his gems. This one was about a 1931 treaty with "Pakistani authorities then under British rule." There were no Pakistani authorities in 1931. There wasn't even a Pakistan. It did not exist until 1947 when Britain freed India and West Pakistan and East Pakistan (now Bangladesh) were created.

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BUSH HAS TALKED SUCH A GREAT game about education that even many of his non-fans have been impressed. Unfortunately, he fails the classic test of putting his money where his mouth is. His budget increase for education—2.8 percent—is the lowest in seven years.

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SAN FRANCISCO BANK CUSTOMERS, upset about excessive ATM fees, sued Bank of America and Wells Fargo in federal court. The Office of the Comptroller of the Currency, the federal banking regulator, intervened. For the customers? Of course not. The comptroller supported the banks.

"Time and again the one agency that bank customers might assume is on their side has lined up with the banks to fight state and local measures that purport to aid consumers," write *The Wall Street Journal*'s Jess Bravin and Paul Beckett.

Why? Because banks can choose to be regulated by federal or state agencies. Since 1990, the number of banks choosing federal regulation has dropped by 45 percent. Since the comptroller's office is supported by fees paid by the banks it regulates; this is not good news for the office. So the Comptroller has every reason to be indulgent toward banking practices that might screw the customer, but if indulged, might keep the banks loyal to the Comptroller.

I suspect administration criticism of Clinton for having done too much for peace in the Middle East reflects embarrassment at having done too little.

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THE VATICAN SHOULD IMMEDIATELY remove Cardinal Bernard Law. Law's cover up of sexual abuse by dozens of Catholic priests is unforgivable.

After removing Law, the Vatican should announce that the church approves of priests marrying either women or gay partners. Then the threat of horny clerics would be largely eliminated. I say largely because there are obviously some priests who are pedophiles. To keep them from being attracted to the Church, why not abandon the practice of having altar boys? No boys, no pedophiles.

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KEN LAY'S SELF-PORTRAYAL AS an innocent dupe has one big problem. In the 13 days after he was informed by Sherron Watkins that his company's accounting problems were seriously serious, he sold $16.3 million worth of Enron stock.

Speaking of Enron, won't it be a great and wonderful day when someone smart enough to bring Skilling down appears and escorts the Prince of Arrogance to his just fate? Unfortunately, our senators and congressmen have not been smart enough or well prepared enough to do the job. This, as aficionados of congressional hearings know, is not uncommon. Even when they stumble onto the truth, the right follow-up question is rarely asked.

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AMTRAK IS IN BAD shape. Its bosses have been less than swift on too many occasions. Congress has burdened it with hopelessly unprofitable routes, which account for just 18 percent of its passengers, but 75 percent of its losses. Congress has also failed to appropriate nearly enough money to improve the rails, railbeds, bridges, and tunnels on its heavily-traveled corridors. In spite of all these problems, we should never lose sight of the fact that a viable rail system is essential. Huge numbers of people travel between our major cities every day, and trains cause less pollution than other forms of transportation, so we can't just give the back of our hand to Amtrak. We must find a way to make it work. Insisting that it make a profit seems silly to me. We don't insist that other essential services like our highways, sewer systems, waterworks, or police or fire departments make a profit, and we should not demand it of Amtrak.

At the same time, the lines that hemorrhage losses should be abandoned or subsidized by the states they pass through. This is a reform that I pray does not happen before I get a chance to take the Empire Builder through Glacier National Park, a trip I've long dreamed of, but it does have to happen.

All this reminds me of a point I want to make about the kind of journalism I believe in. David Carr's article on Amtrak in our October issue ("Slower Than A Speeding Bullet") did a beautiful job of describing how it was failing. In so doing, it partici-

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pated in an honorable tradition of journalism. Yet it is a tradition that has always left me feeling frustrated. It is good at telling us what is wrong, but not at telling us what should be done about it. How do we get out of the mess? Abandon Amtrak? Fix it? If so, how?

To be sure, the search for a solution can turn a writer into an advocate. But there's nothing wrong with that as long as he makes his case in a way that shows that he has gone out of his way to face the holes in it.

Rumsfeld the Reformer seems to have retreated to be replaced by a man who has permitted the military to marginalize its most brilliant reformer.

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WHAT GOOD HAS COME FROM the Enron scandal? *The Wall Street Journal*'s Jim VandeHei suggests that it has made the administration "wary of seeming too friendly to business interests." There is at least a remote possibility that this concern with appearances might lead to an improvement in the reality.

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REMEMBER WHEN DONALD Rumsfeld was supposed to be leading the charge for military reform, advocating an end, for example, to the Army organizing itself in 15,000-20,000-men divisions, and instituting instead a system of compact units designed to fight today's wars? That Rumsfeld seems to have retreated, to be replaced by a man who has permitted the Army to marginalize one of its most brilliant reformers, Col. Douglas MacGregor. Not good, Rummy, not good at all.

•••••••

THE RED CROSS HAS BEEN KNOCKing on doors in upscale Tribeca offering 9/11 relief checks to residents. The average annual income of new property owners in Tribeca is $417,000. The average apartment rents for $3,600 a month. An explanation and a solution comes from Daniel Borochoff, president of the American Institute of Philanthropy, who tells *The Wall Street Journal*: "They overdid it and raised more money than they needed in this crisis. Maybe they need to go to some of their big donors and say 'We're in the position of having to give away money to these yuppies.'" They could ask donors' permission "to send it to the Congo or something."

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THE DISTURBING fact about farm subsidies is that most of them go to the rural equivalent of these Tribeca families. The depressing evidence cited in last month's "Tilting" came from www.ewg.org, a website maintained by the Environmental Working Group. It is the brainchild of Ken Cook, who grew up spending his summers on a small farm owned by his uncle Paul. Cook decided he wanted to devote his life to protecting the environment and farms like his uncle's. He and Richard Wiles formed the Environmental Working Group in 1993 with the aim of producing research that had an impact on policy. "All research projects had to include plans showing how the project would open political debate and be used by journalists," explains Elizabeth Becker of *The New York Times*, in a story about Cook. It took six years of hard work to develop the subsidy database, but the work paid off just the way the group planned: Journalists and politicians are taking notice. I congratulate Cook and Wiles and their associates. There are hundreds of similar groups in Washington, but few have managed to affect debate the way the Environmental Working Group has.

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LEADING CANDIDATES TO HEAD two of our most important health agencies, the Food and Drug Administration and the National Institutes of Health, have been shot down by the White House's conservative and business allies. Dr. Anthony Fauci, who had seemed the likely choice to head NIH, was rejected by the White House. "Conservatives, who opposed Dr. Fauci because of remarks he made 14 years ago supporting fetal tissue research, took credit for scuttling his candidacy," reports Sheryl Gay Stolberg of *The New York Times*. Dr. Alastair Wood of Vanderbilt University, an expert on drug safety who had been a top candidate to head the FDA, was dropped by the White House, according to Robert Pear of the *Times*, after drug company officials said that "They worried he might be too zealous in regulating their products." Pear explains that "Dr. Wood had suggested that the drug agency be more aggressive in monitoring medicines on the market."

The tragedy is that what Wood proposed is precisely the reform needed most at the FDA. If you read Stephen Pomper's article ("Drug Rush") on the agency in our April 2000 issue, you will know that the FDA devotes most of its resources to the drug-approval process with far too little attention paid to how the drug performs once it's on the market, when the adverse reactions appear.

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THE PATTERN OF INFLUENCE BY business interests over the Bush administration is astonishing. Consider that "all but one of the 65 people who met last year with Deputy Energy Secretary Francis S. Blake to discuss clean air rules represented energy companies or industry groups," according to a letter to President Bush from Rep. Henry Waxman (D-Calif.) of the House Committee on Government Reform, reported by *The Washington Post*'s Dan Morgan and Eric Pianin. And what about this other report from Pianin:

"A senior Environmental Pro-

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tection Agency official resigned this week protesting what he described as the Bush administration's effort to undermine tough legal action against dozens of aging, coal-fired power plants and refineries that have violated federal emissions standards. Eric V. Schaeffer, who headed the EPA's Office of Regulatory Enforcement, said that, 'energy department officials treat the power industry as their 'client.'"

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GEORGE W. BUSH, ACCORDING to *The Wall Street Journal*'s Gerald Seib, "runs the most disciplined White House in recent memory." This is why I doubt that Ari Fleischer would have made those critical remarks about Clinton's Middle East peace efforts unless he had heard similar criticism expressed by senior White House officials. And I strongly suspect that their criticism of Clinton for having done too much for peace reflects their embarrassment at having done too little. As we go to press, they seem at long last to be moving on this matter. I pray that by the time this appears they will be on the case in a major way. History will not be kind to them if they continue to prattle about terrorism and the "Axis of Evil" while doing nothing to eliminate a major cause of terrorism, the perception of injustice to the Palestinian people that is almost universal in the Islamic world.

••••••••

THIS SEEMS TO BE MY MONTH for handing out congratulations. Maybe we should have a ceremony and present miniature windmills to the honorees. In any event, two more deserve praise, David Broder and Howard Kurtz of *The Washington Post*. Both had the courage, despite their employer's ownership of several television stations, to report how the media lobby had stripped the campaign-finance reform bill of a provision that would require broadcasters to sell time to federal candidates at a cost no higher than they charge their best customers.

The media lobby's voice comes through loud and clear on Capitol Hill because senators and congressmen fear the power of station owners who might tilt news and editorials against them. And make no mistake, they can tilt. Kurtz points out that in all the vast coverage that campaign finance reform has received "the broadcast networks somehow failed to mention that high-powered television lobbyists killed an amendment that would have provided cheaper rates for candidate advertising." He adds, "With a few exceptions—such as *The Wall Street Journal*, National Public Radio, and *Variety*—the rest of the media ignored it as well, despite their usual delight in reporting on the maneuvering of powerful special interest lobbies."

Campaign spending, despite Shays-Meehan, is likely to remain outrageous unless something is done to reduce the cost of television for candidates which, according to Broder, has quadrupled in the last decade. As we have pointed out, broadcasters should be required not just to charge reasonably, but to give free time to the candidates in exchange for the free licenses to mint money that the public confers on them.

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IN DECEMBER, A MAN WHO HAD just joined the Marines but who realized he was the exception not the rule, told *The Washington Post*: "There's a huge untapped will. Everyone wants to do something, but what they're told to do is go shop." That will has begun to dissipate. The failure to tap it more than tepidly represents one of the four great failures of the Bush administration. The others: the tax cut that left us without enough money to meet pressing needs in health and eduction, the aforementioned failure to make a major effort for peace in the Middle East in time to avoid the horrible bloodshed of recent months, and the tendency to defer automatically to business, illustrated over and over again in this column.

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ANOTHER EXAMPLE OF THE LAST tendency comes from Katharine Q. Seelye of *The New York Times*, who reports a new policy on toxic site cleanup: "The Bush administration has decided to designate fewer sites for restoration and shift the burden of cost from industry to taxpayers."

••••••••

GOOD WORKS HAVE A LAMENTable tendency to attract people gifted with entrepreneurial skills of a kind that, if not downright illegal, seem less than ideally suited to benign endeavor. *The Washington Post* recently documented two cases in which such fellows have taken the District of Columbia to the cleaners.

One involves special education. Federal law requires the District to pay the bills for attorneys, diagnostic services, and private schools when the District's own schools can't meet the needs of people requiring special ed. One lawyer has found a way to turn this mandate into a personal gold mine. As a lawyer he represents parents who say their children have special needs, then he sends the children to diagnostic testing at a company he runs, then he sends them to private schools that offer the most expensive special ed in the District and that in the *Post*'s words have "corporate ties" to him and his firm. His law firm and his associated enterprises were paid $9.6 million in public funds in the last fiscal year.

The other of the *Post*'s examples is the "nonprofit" organizations that have over the last decade received more than $100 million of public funds but completed just 70 of the 200 projects they have undertaken. The head of one of these nonprofits drives a Mercedes-Benz provided by the nonprofit, which previously furnished him with two Jaguars. Another exotic use of public funds was to purchase $25,000 worth of Mali gold that just happened to get lost in transit. Sydney Greenstreet and Peter Lorre, where are you? There are still great parts to play.

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STATE OF TEXAS
OFFICE OF THE GOVERNOR

GEORGE W. BUSH
GOVERNOR

April 2, 1997

Mr. Kenneth L. Lay
Post Office Box 1188
Houston, TX 77251-1188

Dear Ken:

Thanks for your note after my recent knee surgery.

All went well, and I am feeling great. I was able to get back to work almost immediately. My only regret is that I will be benched from jogging for about a month and will miss Austin's Capitol 10K race.

Laura and I appreciate your kind expressions of concern.

Sincerely,

GEORGE W. BUSH

GWB:smg

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STATE OF TEXAS
OFFICE OF THE GOVERNOR

GEORGE W. BUSH
GOVERNOR

April 14, 1997

Mr. Kenneth Lay
2121 Kirby Drive
Houston, Texas 77019

Dear Ken:

One of the sad things about old friends is that they seem to be getting older - just like you!

55 years old. Wow! That is really old.

Thank goodness you have such a young, beautiful wife.

Laura and I value our friendship with you. Best wishes to Linda, your family, and friends.

Your younger friend,

George W. Bush

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 (512) 463-2000

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Kenneth L. Lay
Chairman and
Chief Executive Officer

Enron Corp.
P. O. Box 1188
Houston, TX 77251-1188
(713) 853-6773
Fax (713) 853-5173
[redacted]

December 21, 1999

GOVERNOR'S OFFICE
RECEIVED
10 0361
JAN. 05 2000
ROUTE TO: Carr
CC TO:

Governor & Mrs. George W. Bush
State Capitol
Austin, TX 78701

Dear George and Laura:

thank you/gw

Linda and I very much want to thank you for the "Tejano Santa" print by Sam Coronado with your signatures and the official seal. It was so thoughtful of you to send it to us, and it is a gift we will treasure.

We want to wish you and your family a healthy and happy new year.

Sincerely,

Ken

George and Laura —
Linda and I are so proud of both of you and look forward to seeing both of you in The White House. Hope you have a great Christmas with your family,
Warmest regards,
Ken

01-10-00

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The Other War Room

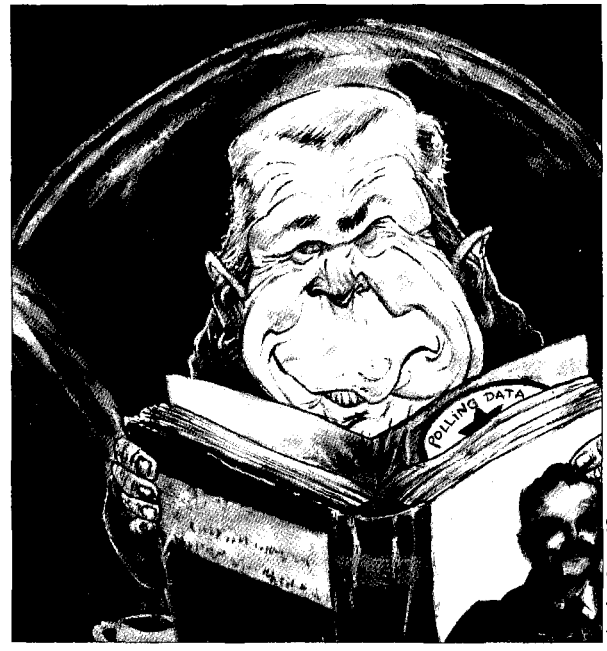
President Bush doesn't believe in polling—just ask his pollsters.

BY JOSHUA GREEN

ON A FRIDAY AFTERNOON LATE LAST year, press secretaries from every recent administration gathered in the Ward Room of the White House at the invitation of Ari Fleischer, press secretary to President Bush. There was no agenda. It was just one of those unexpectedly nice things that seemed to transpire during the brief period after September 11 when people thought of themselves as Americans first and Democrats and Republicans second. Over a lunch of crab cakes and steak, Republicans such as Fleischer and Marlin Fitzwater traded war stories with Joe Lockhart, Mike McCurry, and assorted other Democrats. Halfway through lunch, President Bush dropped by unexpectedly and launched into an impromptu briefing of his own, ticking off the items on his agenda until he arrived at the question of whether it was preferable to issue vague warnings of possible terrorist threats or to stay quietly vigilant so as not to alarm people. At this point, former Clinton press secretary Dee Dee Myers piped up, "What do the poll numbers say?" All eyes turned to Bush. Without missing a beat, the famous Bush smirk crossed the president's face and he replied, "In this White House, Dee Dee, we don't poll on something as important as national security."

This wasn't a stray comment, but a glimpse of a larger strategy that has served Bush extremely well since he first launched his campaign for president—the myth that his administration doesn't use polling. As Bush endlessly insisted on the campaign trail, he governs "based upon principle and not polls and focus groups."

It's not hard to understand the appeal of this tactic. Ever since the Clinton administration's well-noted excesses—calling on pollsters to help determine vacation spots and family pets—polling has become a kind of shorthand for everything people dislike about Washington politics. "Pollsters have developed a reputation as Machiavellian plotters whose job it is to think up ways to exploit the public," says Andrew Kohut, director of the Pew Research Center for the People and the Press. Announcing that one ignores polls, then, is an easy way of conveying an impression of leadership, judgment, and substance. No one has recognized and used this to such calculated effect as Bush. When he announced he would "bring a new tone to Washington," he just as easily could have said he'd banish pollsters from the White House without any loss of effect. One of the most dependable poll results is that



Art by Greg Houston

JOSHUA GREEN *is an editor of* The Washington Monthly.

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people don't like polling.

But in fact, the Bush administration is a frequent consumer of polls, though it takes extraordinary measures to appear that it isn't. This administration, unlike Clinton's, rarely uses poll results to ply reporters or congressional leaders for support. "It's rare to even hear talk of it unless you give a Bush guy a couple of drinks," says one White House reporter. But Republican National Committee filings show that Bush actually uses polls much more than he lets on, in ways both similar and dissimilar to Clinton. Like Clinton, Bush is most inclined to use polls when he's struggling. It's no coincidence that the administration did its heaviest polling last summer, after the poorly received rollout of its energy plan, and amid much talk of the "smallness" of the presidency. A *Washington Monthly* analysis of Republican National Committee disbursement filings revealed that Bush's principal pollsters received $346,000 in direct payments in 2001. Add to that the multiple boutique polling firms the administration regularly employs for specialized and targeted polls and the figure is closer to $1 million. That's about half the amount Clinton spent during his first year; but while Clinton used polling to craft popular policies, Bush uses polling to spin unpopular ones—arguably a much more cynical undertaking.

Clinton used polling to craft popular policies. Bush uses polling to spin unpopular ones.

Bush's principal pollster, Jan van Lohuizen, and his focus-group guru, Fred Steeper, are the best-kept secrets in Washington. Both are respected but low-key, proficient but tight-lipped, and, unlike such larger-than-life Clinton pollsters as Dick Morris and Mark Penn, happy to remain anonymous. They toil in the background, poll-testing the words and phrases the president uses to sell his policies to an often-skeptical public; they're the Bush administration's Cinderella. "In terms of the modern presidency," says Ron Faucheux, editor of *Campaigns & Elections*, "van Lohuizen is the lowest-profile pollster we've ever had." But as Bush shifts his focus back toward a domestic agenda, he'll be relying on his pollsters more than ever.

Bush's Brain

On the last day of February, the Bush administration kicked off its renewed initiative to privatize Social Security in a speech before the National Summit on Retirement Savings in Washington, D.C. Rather than address "Social Security," Bush opted to speak about "retirement security." And during the brief speech he repeated the words "choice" (three times), "compound interest" (four times), "opportunity" (nine times) and "savings" (18 times). These words were not chosen lightly. The repetition was prompted by polls and focus groups. During the campaign, Steeper honed and refined Bush's message on Social Security (with key words such as "choice," "control," and "higher returns"), measuring it against Al Gore's attack through polls and focus groups ("Wall Street roulette," "bankruptcy" and "break the contract"). Steeper discovered that respondents preferred Bush's position by 50 percent to 38 percent, despite the conventional wisdom that tampering with Social Security is political suicide. He learned, as he explained to an academic conference last February, that "there's a great deal of cynicism about the federal government being able to do anything right, which translated to the federal government not having the ability to properly invest people's Social Security dollars." By couching Bush's rhetoric in poll-tested phrases that reinforced this notion, and adding others that stress the benefits of privatization, he was able to capitalize on what most observers had considered to be a significant political disadvantage. (Independent polls generally find that when fully apprised of Bush's plan, including the risks, most voters don't support it.)

This is typical of how the Bush administration uses polls: Policies are chosen beforehand, polls used to spin them. Because many of Bush's policies aren't necessarily popular with a majority of voters, Steeper and van Lohuizen's job essentially consists of finding words to sell them to the public. Take, for instance, the Bush energy plan. When administration officials unveiled it last May, they repeatedly described it as "balanced" and "comprehensive," and stressed Bush's "leadership" and use of "modern" methods to prevent environmental damage. As *Time* magazine's Jay Carney and John Dickerson revealed, van Lohuizen had poll-tested pitch phrases for weeks before arriving at these as the most likely to conciliate a skeptical public. (Again, independent polls showed weak voter support for the Bush plan.) And the "education recession" Bush trumpeted throughout the campaign? Another triumph of opinion research. Same with "school choice," the "death tax," and the "wealth-generating private accounts" you'll soon hear more about when the Social Security debate heats up. Even the much-lauded national service initiative Bush proposed in his State of the Union address was the product of focus grouping. Though publicly Bush prides himself on never looking in the mirror (that's

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"leadership"), privately, he's not quite so secure. His pollsters have even conducted favorability ratings on Ari Fleischer and Karen Hughes.

Bush's public opinion operation is split between Washington, D.C., where van Lohuizen's firm, Voter/Consumer Research, orchestrates the primary polling, and Southfield, Mich., where Steeper's firm, Market Strategies, runs focus groups. What the two have in common is Karl Rove. Like many in the administration, Steeper was a veteran of the first Bush presidency, and had worked with Rove on campaigns in Illinois and Missouri. Van Lohuizen has been part of the Bush team since 1991, when Rove hired him to work on a campaign to raise the local sales tax in Arlington, Texas, in order to finance a new baseball stadium for Bush's Texas Rangers.

Like previous presidential pollsters, van Lohuizen also serves corporate clients, including Wal-Mart, Qwest, Anheuser-Busch, and Microsoft. And like his predecessors, this presents potential conflicts of interest. For example, van Lohuizen polls for Americans for Technology Leadership, a Microsoft-backed advocacy group that commissioned a van Lohuizen poll last July purporting to show strong public support for ending the government's suit against the company. At the time, Bush's Justice Department was deciding to do just that. Clinton pollster Mark Penn also did work for Microsoft and Clinton took heat for it. Bush has avoided criticism because few people realize he even *has* a pollster.

The nerve center of the Bush polling operation is a 185-station phone bank in Houston through which van Lohuizen conducts short national polls to track Bush's "attributes," and longer polls on specific topics about once a month. These are complemented by Steeper's focus groups.

One real difference between Bush and Clinton is that, while Clinton was the first to read any poll, Bush maintains several degrees of separation from his pollsters. Both report to Matthew Dowd, the administration's chief of polling, stationed at the RNC, who then reports to Rove. "Rove is a voracious consumer of polls," says a Republican pollster. "He gets it, sifts through it, analyzes it, and gives the president the bottom line." In other words, when it comes to polling, Rove serves as Bush's brain.

Poll Vault

The practice of presidents poll-testing their message dates back to John F. Kennedy, who wished to pursue a civil rights agenda but knew that he would have to articulate it in words that the American public in the 1960s would accept. Alarm about being known to use polls is just as old. Kennedy was so afraid of being discovered that he kept the polling data locked in a safe in the office of his brother, the attorney general. Lyndon Johnson polled more heavily than Kennedy did and learned, through polling, that allowing Vietnam to become an issue in 1964 could cost him re-election. Richard Nixon brought polling—and paranoia over polling—to a new level, believing that his appeal to voters was his reputation as a skilled policymaker, and that if people discovered the extent to which he was polling, they would view him as "slick" and desert him. So he kept his poll data in a safe in his home. But though presidents considered it shameful, polling became an important tool for governing well. Nixon was smart enough to make good use of his polls, once opting to ban oil drilling off the California coast after polling revealed it to be highly unpopular with voters. Jimmy Carter's pollster, Pat Caddell, was the first rock-star pollster, partying with celebrities and cultivating a high-profile image as the president's Svengali (an image considerably tarnished when Caddell's polling for another client, Coca-Cola, became the rationale for the disastrous "New Coke" campaign in the 1980s).

Ronald Reagan polled obsessively throughout his presidency. His pollster, Richard Wirthlin, went so far as to conduct them "before Reagan was inaugurated, while he was being inaugurated, and the day after he was inaugurated," says an administration veteran. He was the first to use polls to sell a right-wing agenda to the country, but he knew enough to retreat when polls indicated that he couldn't win a fight. (Wirthlin's polls convinced Reagan not to cut Social Security, as he'd planned.) By contrast, his successor, George H.W. Bush, practically eschewed polls altogether. "There was a reaction against using polls because they reacted against everything Reagan," says Ron Hinckley, a Bush pollster. "They wanted to put their own name on everything. But their efforts to not be like Reagan took them into a framework of dealing with things that ultimately proved fatal." Indeed, in his first two years in office, Bush is said to have conducted just two polls. Even at Bush's highest point—after the Gulf War, when his approval rating stood at 88 percent—Hinckley says that his economic numbers were in the 40s. "We were in a hell of a lot of trouble," he says, "and nobody wanted to listen."

Bill Clinton, of course, polled like no other president. In addition to polling more often and in greater detail than his predecessors, he put unprecedented faith in his pollsters, elevating them to the status of senior advisers. His tendency to obsess over polls disconcerted even those closest to him, and his over-reliance on polls led to some devastating errors, such as following a Morris poll showing that voters wouldn't accept a candid acknowledgment of his relationship with Monica Lewinsky. But the truth about Clinton's use of polls is more nuanced than is gen-

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erally understood.

Early in his administration, Clinton drifted away from the centrist agenda he campaigned on and staked out policy positions that appealed to his base. Like Reagan, he polled on how best to sell them to the American people. Healthcare reform is the most instructive example. Describing Clinton's handling of healthcare reform in their book *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*, political scientists Lawrence R. Jacobs and Robert Y. Shapiro conclude: "The fundamental political mistake committed by Bill Clinton and his aides was in grossly overestimating the capacity of a president to 'win' public opinion and to use public support as leverage to overcome known political obstacles—from an ideologically divided Congress to hostile interest groups." The authors call this kind of poll-tested message "crafted talk." Clinton learned its shortcomings firsthand and modified his subsequent use of polls. He fired his pollster, Stanley Greenberg, in favor of centrist pollsters such as Dick Morris and Mark Penn. Though widely ridiculed for it in the press, after the disastrous midterm elections in 1994, Clinton began responding to voters' wishes, moving toward the political center.

Oftentimes these were largely symbolic nuggets like supporting school uniforms or choosing Christopher Reeve to speak at the 1996 Democratic National Convention (Reeve outpolled Walter Cronkite and John F. Kennedy, Jr.). But they also included important policies such as reforming welfare, balancing the budget, and putting 100,000 new police officers on the streets. Many of these centrist policies initially met strong resistance from congressional Democrats, the agencies, and interest groups, as well as liberals within the White House. But the fact that the policies polled well became a powerful tool of persuasion for Clinton and his centrist aides to use. Nor was Clinton afraid to act in spite of the polls, which he did on Bosnia, Haiti, the Mexican bailout, and affirmative action. Indeed, according to senior aides, it was forbidden to discuss foreign policy in the weekly polling

Who's Who

By Susan Threadgill

Many Olympic viewers were touched by **President Bush**'s seemingly impromptu visit with U.S. figure skater **Sasha Cohen**, in which she handed him a cell phone to say hi to her mom. **Michelle Kwan** and gold medal-winner **Sarah Hughes** were not so fortunate, which may not be a coincidence. As Buzzflash.com pointed out, the diminutive Cohen had just been named the official youth spokesperson of the National Cattlemen's Beef Association, whose annual meeting Bush had addressed days earlier.

Solicitor General **Ted Olson**, whose wife, conservative author **Barbara Olson**, died in the September 11 Pentagon plane crash, seems to be moving on. He's been dating Republican socialite **Sydney "Nini" Ferguson**, former companion of Sen. **John Warner** (R-Va.).

Reasoning that **Ken Lay** is kryptonite to anyone, consultants to **Andrew Cuomo**'s campaign for the Democratic nomination for New York governor are urging the son of former Gov. **Mario Cuomo** to play the Enron card against opponent **Carl McCall**, trustee of the state's pension fund, which lost money during Enron's collapse.

Colin Powell may have the star power to get away with advocating condom use on MTV, but the rest of the Bush administration is sticking to the script. Former Oklahoma Congressman **Tom Coburn**, whom **President Bush** tapped as the new co-chair of the Presidential Advisory Council on HIV/AIDS, made his name by denouncing the network premiere of *Schindler's List* as "indecent." While in Congress, Coburn was legendary for using free pizza to lure young Hill staffers to his annual lectures on sexually transmitted diseases. While they ate, Coburn would regale them with pro-abstinence propaganda and clinical slides of genital warts and other STDs. Coburn is fervently opposed to campaigns promoting condom use and safe sex.

John Ashcroft incurred the wrath of **Cher** when he covered **Spirit of Justice**, a bare-breasted female statue in the Justice Department lobby, with a blue curtain. But in the tradition of Sen. **Orrin Hatch** (R-Utah), he's begun penning patriotic songs to share with baffled colleagues. In February, Ashcroft shocked the audience at a North Carolina seminary by breaking into verse with his latest composition, "Let the Eagle Soar": "Like she's never soared before, from rocky coast to golden shore, let the mighty eagle soar." A video of the performance can be seen at CNN.com.

Just how deep is the rift between **George W. Bush** and Sen. **John McCain** (R-Ariz.)? So deep that it extends to their pollsters. The Bush

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meeting Clinton held in the White House residence. (Although, in a priceless irony, Clinton was sufficiently worried about appearing to be poll-driven that Morris drafted a list for him of the "unpopular actions you have taken despite polls.")

"The Circle is Tight"

When George W. Bush launched his campaign for president, he did so with two prevailing thoughts in mind: to avoid his father's mistakes and to distinguish himself from Bill Clinton. To satisfy the first, Bush needed a tax cut to rival the one being offered by Steve Forbes, at the time considered Bush's most formidable rival for the GOP nomination. But to satisfy the second, Bush needed to engage in some tricky maneuvering. A van Lohuizen poll conducted in late 1998 showed tax cuts to be "the least popular choice" on his agenda among swing voters. So Bush faced a dilemma: He had to sell Americans a tax cut most didn't want, using a poll-crafted sales pitch he didn't want them to know about. In speeches, Bush started listing the tax cut after more popular items like saving Social Security and education. In March 2001, with support still flagging, he began pitching "tax cuts and debt relief" rather than just tax cuts—his polling showed that the public was much more interested in the latter. After plenty of creative math and more poll-tested phrases, Bush's tax cut finally won passage (a larger one, in fact, than he'd been offering in '98).

In a way, Bush's approach to polling is the opposite of Clinton's. He uses polls but conceals that fact, and, instead of polling to ensure that new policies have broad public support, takes policies favored by his conservative base and polls on how to make them seem palatable to mainstream voters. This pattern extends to the entire administration. Whereas Clinton's polling data were regularly circulated among the staff, Bush limits his to the handful of senior advisers who attend Rove's "strategery meetings." According to White House aides, the subject is rarely broached with the president or at other senior staff meetings. "The circle is tight," Matthew Dowd,

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administration, which primarily uses **Jan van Lohuizen** and **Fred Steeper**, has blackballed what most in Washington consider the blue-chip Republican polling firm, Public Opinion Strategies. Why? Because they did the polling for McCain's 2000 presidential campaign (no matter that POS is also **Jeb Bush**'s polling firm).

Independent counsel **Robert Ray**—who claims he could have indicted **Bill Clinton**, but didn't—has infuriated Democrats who believe he has been quietly preparing to run against Sen. **Robert Torricelli** (D-N.J.), even before wrapping up his duties as prosecutor. Ray, who succeeded **Ken Starr**, attended a GOP dinner hosted by former New Jersey Governor **Donald DiFrancesco** and has openly discussed a Senate bid. According to *Roll Call*, he's introducing himself to Garden Staters as "Robert Ray from Rumson." A recent remark about Torricelli's "paralysis of investigations and scandals" drew an angry letter from Rep. **John Conyers** (D-Mich.), pointing out that running for office while still an independent prosecutor violates the law. Wrote Conyers: "As you conclude an investigation that has decried legal hair-splitting and verbal gamesmanship, I would hope you would not hide behind a false distinction based upon what the meaning of the word 'candidate' is."

Washed-up conservative pundette **Ann Coulter**, recently let go by *National Review* editor **Rich Lowry**, had more wisdom for this year's Conservative Political Action Conference: "When contemplating college liberals, you really regret once again that **John Walker** is not getting the death penalty. We need to execute people like John Walker in order to physically intimidate liberals, by making them realize that they can be killed too."

Like all presidents, **George W. Bush** wants to leave his mark on the federal government. One likely place is the federal judiciary. While Bush's nominees are conservatives, they share a few other traits. Several were first nominated by **George H.W. Bush** but never got confirmed, including Washington attorney **Ronald Leighton**, whose nomination is being contested by both of the state's Democratic senators, **Patty Murray** and **Maria Cantwell**. Their other distinguishing feature is youth. **Ronald Reagan** first recognized that since federal judges have lifetime appointments, the younger the judge, the longer he'll be around to perpetuate his ideology. While both **Bill Clinton** and **Jimmy Carter** chose more seasoned judges, Republican nominees have gotten progressively younger. **Clarence Thomas** was 43 when appointed to the U.S. Supreme Court, the youngest judge on the bench by a decade. The youth requirement is bad news for longtime hopeful **Orrin Hatch** who, at 67, is too old, despite the Mormon reputation for clean-living longevity. The average age of Bush's nominees to district courts is 49.4. The oldest Bush nominee to ascend to the bench is **James H. Payne**, the 61-year-old former magistrate judge for the Eastern District for Oklahoma. The youngest is **David Bunning**, the 35-year-old former assistant U.S. attorney from Kentucky—and son of Sen. **Jim Bunning** (R-Ky.).

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Bush's chief of polling, testifies. "Very tight." As with Kennedy and Nixon, the Bush administration keeps its polling data under lock and key. Reagan circulated favorable polling data widely among congressional Republicans in an effort to build support. Clinton did likewise and extended this tactic to the media, using polls as political currency to persuade reporters that he was on the right side of an issue. "You don't see it like you did in the Dick Wirthlin days," says a top Republican congressman. "The White House pollster won't meet with the caucus to go through poll data. It just doesn't happen." Says a White House reporter, "The Clinton folks couldn't wait to call you up and share polling data, and Democratic pollsters who worked for the White House were always calling you to talk about it. But there's a general dictate under Bush that they don't use polls to tell them what to think." This policy extends to the president's pollsters, who are discouraged from identifying themselves as such. The strategy seems to be working. A brief, unscientific survey of White House reporters revealed that most couldn't name van Lohuizen as the Bush's primary pollster (most guessed Dowd, who doesn't actually poll). For his part, van Lohuizen sounded genuinely alarmed when I contacted him.

Crafted Talk

It's no mystery why the Bush administration keeps its polling operation in a secure, undisclosed location. Survey after survey shows that voters don't want a president slavishly following polls—they want "leadership" (another word that crops up in Bush's speeches with suspicious frequency). So it's with undisguised relish that Dowd tells me, "It was true during the campaign, it's true now: We don't poll policy positions. Ever."

But voters don't like a president to ignore their desires either. One of the abiding tensions in any democracy is between the need for leaders to respond to public opinion but also to be willing to act in ways that run counter to it. Good presidents strike the right balance. And polls, rightly used, help them do it.

But used the wrong way, polls become a way to cheat the system and evade this tension altogether. As Jacobs and Shapiro explain in *Politicians Don't Pander*, with the exception of the latter Clinton years, presidents since 1980 have increasingly used polls to come up with the "crafted talk" that makes their partisan, interest-group-driven policies seem more mainstream than they really are. Consider the Republican stimulus plan unveiled last winter: So heavily did it tilt toward corporate interests that focus group participants refused to believe that it was real—yet Bush pitched it for months as a "jobs" package.

Presidents, of course, must occasionally break with public opinion. But there's a thin line between being principled and being elitist. For many years, Democrats hurt themselves and the country by presuming they knew better than voters when it came to things like welfare, crime, and tax increases. Clinton used polling to help Democrats break this habit. Bush is more intent on using it to facilitate the GOP's own peculiar political elitism—the conviction that coddling corporations and cutting taxes for the rich will help the country, regardless of the fact that a majority of voters disagree.

Bush's attempt to slip a conservative agenda past a moderate public could come back to hurt him, especially now that his high approval ratings might tempt him to overreach. Recent history shows that poll-tested messages are often easy to parry. During the debate over Clinton's healthcare plan, for instance, Republican opponents launched their own poll-tested counterattack, the famous "Harry and Louise" ads, which were broadcast mainly on airport cable networks such as "CNN Airport" where well-traveled congressmen would be sure to spot them and assume they were ubiquitous. Because lawmakers and voters never fully bought Clinton's policy, it couldn't withstand the carefully tested GOP rebuttal.

A similar fate befell the GOP when it took over Congress in 1995, after campaigning on a list of promises dubbed the "Contract With America." As several pollsters and political scientists have since pointed out, the Contract's policies were heavily geared toward the party's conservative base but didn't register with voters—things like corporate tax cuts and limiting the right to sue. The GOP's strategy was to win over the press and the public with poll-tested "power phrases." Education vouchers, for instance, were promoted as a way of "strengthening rights of parents in their children's education," and Republicans were instructed by RNC chairman Haley Barbour to repeat such phrases "until you vomit." But when it came to proposals such as cutting Medicare, Republicans discovered that their confidence in being able to move public opinion—"preserving" and "protecting" Medicare—was misplaced. Clinton successfully branded them as "extremists," and this proposal, along with many of the Contract's provisions, never made it beyond the House.

Like so many other Republican ideas, Barbour's has been reborn under Bush. "What's happened over time is that there's a lot more polling on spin," says Jacobs. "That's exactly where Bush is right now. He's not polling to find out issues that the public supports so that he can respond to their substantive interests. He's polling on presentation. To those of us who study it, most of his major policy statements come off as completely poll concocted." Should this continue, the administration that condemns polling so righteously may not like what the polls wind up saying. ●

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Hippie Healthcare Policy

While one government agency searches for the cure to mental diseases, another clings to the '60s notion that they don't exist.

By E. Fuller Torrey, M.D.

In 1999, 31-year-old Julie Rodriguez drove her car into the Sacramento River, killing herself and her two toddlers. Rodriguez had been suffering from serious mental illness, including paranoia and psychosis. Her family had tried repeatedly to get her into treatment, but she had refused to go, and California had no law that would enable them to commit her to a hospital against her will.

Rodriguez's story helped prompt the state legislature to do something few states have been willing to do: wrestle publicly with a failing mental health system that is as costly as it is ineffective. As home to an estimated 630,000 severely mentally ill adults, California spends $2.5 billion a year to care for the indigent mentally ill, yet those programs reach no more than half the people who need them. Because they cannot be treated or hospitalized against their will, a scandalously high proportion of the state's mentally ill simply end up homeless or in prisons and jails instead. At least 15 percent of the state prison and jail inmates are severely mentally ill, costing the state $1 billion a year.

Among several pieces of legislation introduced in 2000 to address this growing crisis in California was a bill that would, in extreme cases, allow authorities to treat mentally ill people against their will. More than 60 people testified in support of the bill, including one man whose mother had been murdered by his unmedicated sister with schizophrenia, and it was championed by virtually every major newspaper in the state. Yet, in the end, the bill went nowhere, largely because of a campaign organized by a federally funded advocacy group.

In 1998, the primary federal agency devoted to improving mental health services, the Center for Mental Health Services (CMHS), awarded $200,000 to a group of former mental patients in California whose nonprofit organization is committed to vigorously opposing laws that would make it easier to forcibly treat and commit people like Julie Rodriguez. Strengthened by its federal grant, the California Network of Mental Health Clients organized rallies, hired vans to bring people to Sacramento, distributed T-shirts, and created the erroneous impression that there was widespread opposition to the commitment bill.

Such efforts appeared reasonable in the '60s, when scientists believed that severe mental illnesses were caused by bad mothers and social stresses. Four decades later, however, such views appear anachronistic in the face of overwhelming evidence that severe mental illnesses are brain diseases. Furthermore, research demonstrates that approximately half of all individuals with severe mental illnesses lack awareness of their condition because of damage to the parts of the brain that afford self-awareness. As a result, many severely disturbed people are fundamentally unable to ask for help or seek treatment on their own, making involuntary treatment laws both necessary and humane.

Yet the California group is not the only anti-psychiatry organization to receive federal funding for its reactionary mission. This obscure agency in the U.S. Department of Health and Human Services continues to use its nearly $800 million annual budget to fund mental health programs that largely ignore 30 years of research into the organic nature of mental illness. At its headquarters in Rockville, Md., policy wonks and grant-makers seem to

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be nostalgic for the days when mental health policy was inspired by Ken Kesey's book *One Flew Over the Cuckoo's Nest*, in which oppressed patients in a mental hospital revolted against Big Nurse and other symbols of authority.

CMHS's outlook has changed little since the days when libertarian psychiatrist Thomas Szasz asserted that mental illness did not exist, and British psychiatrist Ronald Laing argued that schizophrenia was really a growth experience. At CMHS, mental illness is still a state of mind rather than a neurological illness. Its policies are still driven by a symbiotic political relationship with a movement started in the '60s by a small group of ex-mental patients who called themselves "consumer survivors."

Among most professionals who are aware of its existence, CMHS is widely regarded as more dysfunctional than the individuals it is supposed to serve.

Like Szasz, many of them deny the existence of mental illness and see involuntary treatment as a form of social control rather than medical care. All of them are united in vociferously opposing any form of involuntary hospitalization or treatment, and CMHS has provided millions of dollars to support those efforts. An analysis of CMHS's portfolio suggests that as much as two-thirds of its $230 million annual discretionary funds are currently being used to support groups opposed to reforming the mental health system.

The result is a bizarre situation in which one federal agency funds groups that believe that mental diseases are a "healthy transformation process," while the National Institute of Mental Health (NIMH) conducts brain imaging and neuroscience research in an attempt to discover the causes of those diseases. Tragically, while CHMS pursues its hippie philosophy and obstructs reform efforts like those in California, the need for its stated mission—improving treatment for the mentally ill—has perhaps never been greater.

Madness in the Streets

CMHS had a modest $3.5 million birth in 1977 as the Community Support Program within NIMH. It was created because of the failure of NIMH's Community Mental Health Centers program to address the problems of the increasing numbers of severely mentally ill individuals being discharged from state psychiatric hospitals. In true Washington fashion, the failure of one program was addressed by creating another program rather than by fixing the first.

The mandate of the Community Support Program, according to a 1978 report, was to coordinate services "for one particularly vulnerable population—adult psychiatric patients whose disabilities are severe and persistent." This mandate, which focused on severe mental illness, was quickly forgotten as the Community Support Program expanded to encompass all forms of unhappiness and social ills, vaguely referred to as mental health.

In 1992, the Community Support Program and related activities of NIMH were transferred to the newly created CMHS when NIMH was reincorporated into the National Institutes of Health. CMHS, in turn, became a component of the Substance Abuse and Mental Health Services Administration. And, of course, it continued to grow, and grow, to its present annual allocation of $782 million, even as mental health services in this country have deteriorated markedly.

Today, approximately one third of the country's homeless—200,000—are severely mentally ill. An additional 276,000 severely mentally ill individuals reside in jails and prisons. Mentally ill individuals who are not receiving treatment commit an estimated 1,000 homicides a year. Despite these dismal statistics, CMHS continues to pursue a 1960's social agenda in the name of mental health, with little accountability of how its funds are spent.

CMHS collects almost no information on how the funds allocated under its largest single program, the $420 million mental health block grant to states, are spent on how many patients and with what diagnoses are served. Similarly, CMHS collects virtually no national data on the incidence of mental disorders, and is unable to answer such basic questions as, for example, whether schizophrenia is increasing, decreasing, or remaining constant.

Among most professionals who are aware of its existence, CMHS is ridiculed as an agency and widely regarded as more dysfunctional than the individuals it is supposed to serve. Not only is CMHS the major funder of groups opposed to involuntary treatment, it spends millions on programs of dubious merit that offer little help to the critically ill.

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For instance, in 1998, CMHS awarded $1.3 million over three years to the National Empowerment Center (NEC) in Lawrence, Massachusetts, for a "National Consumer Technical Assistance Project." NEC's extraordinarily vague grant application had claimed that it would "improve the mutual understanding between consumers and other stakeholders" and "nurture and strengthen national leaders of color." In fact, the federal funds to NEC have been used to support the salaries of anti-psychiatry radicals. NEC employee Judi Chamberlain, for example, claims that "the kinds of behavior labeled 'mental illness' have far more to do with the day-to-day conditions of people's lives than with disorders in their brain chemistry." And NEC co-directors Laurie Ahern and Dan Fisher have written, respectively, that "mental illness is a coping mechanism, not a disease" and that "the covert mission of the mental health system ... is social control."

When asked to describe his program, Fisher says he likes to call the project an "education center that brings inspiration and hope to individuals who have recovered from a mental illness."

All three appear to share Ms. Chamberlain's belief that any person "who can express his or her own wishes and desires, no matter how irrational they may appear to others, deserves to have those wishes respected." Thus, psychotic individuals who think they can fly should be allowed to try, and homeless ill people who believe that the voice they hear is God telling them to eat from garbage cans should be provided with napkins. What would Ms. Chamberlain do with John Hinckley, who wished to impress Jodie Foster, or with Russell Weston, who wished to obtain the "ruby satellite" in the U.S. Senate Office Building so that he could make time go backwards and instead killed two police officers in 1998?

The centerpiece of the NEC program is the Alternatives Conference, which NEC has sponsored using CMHS funds. At the 1995 conference, speaker Al Siebert gave a talk entitled "Successful Schizophrenia," in which he claimed that "schizophrenia is a healthy, valid, desirable condition—not a disorder ... what is called schizophrenia in young people appears to be a healthy transformational process that should be facilitated instead of treated." Two CMHS staff members were on the conference advisory committee and apparently approved the talk. At the 1999 conference, CMHS funded a separate, two-day "National People of Color Consumer-Survivor Network" meeting to discuss "how discrimination and oppression are related to stress."

The largest portion of CMHS funds given to antipsychiatric groups and those opposed to assisted treatment is the $30 million per year allotted through the Protection and Advocacy program. Although the Protection and Advocacy program began in 1986 as a well-meaning attempt to prevent abuse of patients in psychiatric hospitals, many of its state programs quickly evolved into being "playgrounds for anti-psychiatric activists," according to Rael Jean Isaac and Virginia Armat in their 1990 book *Madness in the Streets*. In 1999, for example, the Vermont Protection and Advocacy organization changed a state law, thus making it more difficult to medicate seriously mentally ill individuals.

And currently in Wisconsin, that state's Protection and Advocacy organization has filed an *amicus curiae* brief to change the state's commitment law. The current law, the brief argues, is deficient, because it does not require a person's dangerousness to be "imminent," and allows people to be treated to avoid psychiatric deterioration. Furthermore, the brief says that psychiatric treatment is "of questionable benefit."

Although civil rights is a dominant theme in the distribution of CMHS funds, minorities and women's issues are also prominent. Blacks, Hispanics, Asian Americans,

Jack Nicholson plays the rebellious patient in the iconic 1975 film One Flew Over The Cuckoo's Nest.

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and Native Americans are so predominant among recipients of CMHS largesse that the program might easily be mistaken for one specifically directed to these groups. For example, among 35 Community Action grants awarded by CMHS in 2001, seven (20 percent) were given to Native-American groups, despite the fact that Native Americans constitute only 1.5 percent of the population. One CMHS program specifically aimed at Native Americans is called "Circles of Care"; this program, which spends $3 million of CMHS funds annually, is intended to promote "culturally appropriate mental health services" for Native-American children.

The Cheyenne River Sioux tribe in South Dakota, for example, receives $249,540 per year for what they call the "Restoring the Balance Project" to implement mental health services that take into consideration the "unique history and culture of the Cheyenne River Sioux tribe." How a Sioux child with a serious mental illness differs from other American children with these diseases is unclear, and no one involved with the project could be reached by *The Washington Monthly*, despite more than a handful of phone calls. (The number on the group's grant application directed callers to an unrelated housing program.)

A strong representation of minority group members appears to be *de rigueur* for successful funding by CMHS. The application from the California Network of Mental Health Clients, for example, boasts that it has "a board of directors notable for its diversity, with 50 percent of the board identifying as representing an ethnic group [sic] and 43 percent representing other special populations: gay/lesbians, seniors, and physically disabled." In reading CMHS grant applications, one has the impression that if words such as "community stakeholders," "people of color," and "cultural competency" are included sufficiently often in the application, it will be automatically approved for funding.

Among the more prominent CMHS recipients of funds are the National Mental Health Association (NMHA) and the Bazelon Center for Mental Health Law. In 1998, NMHA received a three-year grant for $820,000 entitled "Consumer Supporter Technical Assistance Center." The purpose of the center was to create "coalitions of community care" to "build bridges—create respect, trust and working relationships—between consumer supporters, consumers and professionals."

How the money is actually being spent is unclear from the application, other than brief mentions of an 800-line newsletter and "fact sheets [that] will provide information on topics such as enhancing leadership skills, supporting recovery, and changing systems to make them more responsive to women and cultural minorities."

CMHS has been especially kind to the Mental Health Association. In addition to the above grant, in 2001 CMHS awarded Community Action grants to New York's and six other states' MHAs, totaling over $1 million. The National Mental Health Association has, in turn, been especially kind to CMHS. NMHA has been one of CMHS's major champions on Capitol Hill, urging Congress to allocate it ever more funds. In April 2001, for example, NMHA decried the Bush administration's proposed reductions in one CMHS program, saying the cuts "would prevent the agency from moving forward on an initiative aimed at resolving the disparities in mental health experienced by different minority groups." In time-honored Washington fashion, NMHA labeled the proposed cuts "very troubling" and urged its members to immediately contact their representatives in Congress.

The Bazelon Center for Mental Health Law, an offshoot of the American Civil Liberties Union's mental health project, has also done very well by its close association with CMHS. Over the past five years, the Bazelon Center has received CMHS contracts to review state Medicaid waiver policies, conduct a "national advocacy forum for older adults with mental health needs," hold "a meeting of older adult mental health consumers," carry out "a major study on custody relinquishments," and to provide "targeted technical assistance" to six states.

The precise amount of CMHS financial assistance to the Bazelon Center is difficult to ascertain from public records, but it constitutes a substantial portion of the organization's income. Such ascertainment is made more difficult because some CMHS funds are given to other agencies, which then subcontract with the Bazelon Center. For example, a current large "Targeted Technical Assistance Project" contract is given by CMHS to the National Association of State Mental Health Program Directors (NASMHPD), which, in turn, subcontracts the work to the center, the National Mental Health Association, and two other agencies.

Like NMHA, the Bazelon Center returns its CMHS favors by lobbying Congress to increase CMHS's budget. In early 2000, after it had, in its own words, "received an unprecedented $67 million increase in funding from Congress for FY2000," CMHS publicly thanked the Bazelon Center, the National Mental Health Association, and three other organizations for their support.

It is understandable why CHMS showers fiscal favors on the Bazelon Center; the center, like CMHS, is caught

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in a time-warp. Its origin as an ACLU-led attempt to prevent all involuntary hospitalization and involuntary treatment of individuals with psychiatric disorders is right out of *Cuckoo's Nest*. The continuing extremist views of CMHS and the Bazelon Center in this regard are illustrated by a proposal put forth at a 1997 CMHS meeting on the involuntary treatment of psychiatric patients. As reported by CMHS:

"One proposal to end involuntary intervention was to make individuals initiating involuntary commitment financially liable for its cost ... with special attention put on real and personal property. A method by which CMHS could prove this end would be to work with ... the Bazelon Center for Mental Health Law to identify and promote a test case regarding financial liability for unwanted treatment."

In other words, the Bazelon Center was to investigate how a family involuntarily committing a loved one with severe mental illness could be sued and have their house taken away.

CMHS may be one of the few federal agencies that could be abolished and virtually nobody would even notice.

Stuck in the '60s

Taken alone, a few million dollars spent allowing former mental patients to staff a referral hotline or to hold conferences and network about stress doesn't seem all that scandalous—no different, really, from a few pork-barrel transportation projects that keep congressional constituents happy. To put it bluntly, the real problem lies not so much in what CMHS is funding but rather in what it is not.

The United States has a serious and growing crisis with severe mental illness, a crisis visible in the hundreds of thousands of mentally ill individuals on our streets and in our jails. CMHS is the lead federal agency that is supposed to be helping solve that problem. A relatively small portion of its $782 million budget is being used constructively in this regard, such as the $37 million PATH program for the mentally ill homeless. But the list of what CMHS is not funding but should be is long indeed.

It includes means for keeping seriously mentally ill individuals on medications that will prevent them from relapsing; documenting the revolving door for such people between the streets, jails, and hospitals; ascertaining the best methods for implementing evidence-based treatments; and collecting basic statistics on the magnitude of the problem and who is being treated.

How do federal programs such as CMHS fit into the Bush administration? To date, the administration has said little about mental health issues other than promising to create a commission to look at the problems. The plight of mentally ill individuals who are homeless or incarcerated would appear to be an ideal situation to demonstrate the president's compassionate conservatism. The recently released proposed Bush budget for fiscal 2003 would trim CMHS's $230 million discretionary budget programs by $7 million, suggesting that the administration is at least aware of the problems in this troubled agency. The budget proposed to freeze the funding of most other CMHS programs at their present level except for the PATH program, which serves the homeless. PATH would receive a 17 percent increase; not coincidentally, PATH is the one CMHS program for which there are good data on how well it works and how many homeless people it serves.

What should happen? CMHS is probably one of the few federal agencies that could be abolished and virtually nobody would notice. A better plan would be to ask CMHS to do what it was originally intended to do—provide national leadership to improve services for individuals with severe mental illnesses rather than focusing on social problems. The pending Presidential Commission on Mental Health presents an excellent opportunity to reassess services. Block granting mental health-related Medicaid funds to the states and then holding the states responsible for services by rigorously measuring the outcomes deserves consideration. The criteria used to judge CMHS as an agency should include a measurable decrease in the number of severely mentally ill persons who are homeless, in jails and prisons, and responsible for acts of violence.

In the final analysis, everyone except a few favored grantees loses by the fact that CMHS is stuck in the 1960s. People with serious mental illnesses lose because less information is available on how to provide adequate treatment. Taxpayers lose because the economic cost of mental illness, not including substance abuse, was estimated to be $161 billion in the most recent federal survey. Even small improvements in the treatment of these disorders could bring about major improvements in the quality of individual lives and in dollars saved. ●

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Tidbits & Outrages

SCANDAL FOR THE AGES

The Smithsonian Institution recently announced plans to enshrine the Enron ethics manual. Quipped a spokesman: "I guess the Hope Diamond doesn't stand a chance."

MAYBE KEN LAY'S AVAILABLE...

The National Republican Congressional Committee bestowed a "Republican of the Year" award on Mark A. Grethen, a convicted sex offender, whose 26-year prison sentence prevented him from attending the awards luncheon. "We weren't aware of his current predicament," an NRCC spokesman explained.

NO GAY ONES, THOUGH

The 131st annual meeting of the National Rifle Association is offering free admission to law enforcement, firefighters, military personnel—and Boy Scouts.

AN ARMY OF ONE?

In a move sure to boost enlistment, the British Army is allowing single soldiers to let their girlfriends stay in the barracks overnight. General Sir Michael Walker, chief of staff, insisted, "We are not setting up knocking camps."

TAKING "FUZZY MATH" ONE STEP FURTHER

The Bush administration managed to restore—briefly—the budget surplus. As *The Washington Post*'s Glenn Kessler reported, a missing minus sign in the Bush budget turned this year's projected $106 billion deficit into a surplus.

VOID IF CONDUCTING BUSINESS OFFSHORE

"Moral as well as legal obligations will be fulfilled openly, promptly, and in a manner which will reflect pride on the Company's name."
—Enron's employee manual on "Business Ethics"

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Lone-Star Justice

Conservatives thought Clinton-bashing Judge Royce Lamberth was on their team—until he went after the Bushies.

By Stephanie Mencimer

SIX YEARS AGO, NEARLY 300,000 Native Americans filed a class-action suit against the U.S. Department of the Interior alleging that the department had grossly mismanaged trust funds holding more than $3 billion owed to them from oil and gas leases on Indian land. During the course of the litigation, U.S. District Judge Royce Lamberth instructed Interior to shore up the abysmal state of computer security for the funds.

In response, for almost two years, the department dutifully sent the judge quarterly reports describing the tremendous progress it was making to that end. Upon receiving those reports, most judges would have passed them to a clerk, duly noted, and moved on to other business. But Royce Lamberth is no ordinary judge. Suspicious, he decided to check out the government's claims and hired some hackers to break into Interior 's computer system to see whether, in fact, the trust-fund security had been upgraded.

Turns out, not only could the hackers get into the system with techniques available to any second-rate high-school computer geek, they were able to set up a trust account and make adjustments to it undetected. The department's computer systems were so vulnerable that on December 5 last year, Lamberth ordered the department to disconnect the trust fund accounts from the Internet until firewalls could be established to protect the Indians' money.

Typically inept, Interior reacted by disconnecting *all* its Internet links. Soon, outdoors types found themselves unable to find camping reservations at national parks. Indian Health Service doctors had their email cut off. And Interior Secretary Gale Norton found herself on trial for contempt of court.

Testimony during the contempt trial has revealed that attorneys from Norton's office massaged reports to the judge. They also allegedly pressured Interior staffers to change critical facts to cover up the fact that, for two years, the department had done almost nothing the judge had ordered, hoping that the appeals court would throw the Indians' suit out all together.

Late last year, when Norton's own staffers testified that they wouldn't sign off on her reports to the judge because they were so misleading, Lamberth urged Norton to "throw herself on the mercy of the court." Instead, as Lamberth has noted, "The Secretary has decided to contest everything and throw down the gauntlet." Consequently, Lamberth said, he was ready for the fight. "I can give them their worst nightmare."

Norton's handling of the trust-fund case suggests that, despite Lamberth's warnings, she thought she had nothing to fear from a fellow Republican appointed by her party's greatest hero, Ronald Reagan. Norton, perhaps, can be excused for believing Lamberth was on her team. After all, he is the very same judge who, for eight years, dogged the Clinton administration with a ferocity only seen in independent prosecutor Ken Starr.

In 1993, Lamberth socked the Clinton administration right out of the gate, fining Ira Magaziner nearly $300,000 for lying in court about the makeup of Hillary Clinton's health-care task force. Lamberth allowed Judicial Watch bulldog Larry Klayman to depose everyone from George Stephanopoulos to famous fundraiser John Huang in suits against the administration that most judges would probably have thrown out as frivolous. In one of those suits, the judge accused President Clinton of criminal behavior and asked the U.S. Attorney for the District of Columbia to investigate the president's alleged violation of the Privacy Act. And in 1999, he fined former Interior Secretary Bruce Babbitt and Treasury Secretary Robert Rubin more than $600,000 and found

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them in contempt of court in the same suit in which Norton is now under fire.

Lamberth's Clinton-bashing made him a conservative hero, bringing calls for his appointment to the U.S. Supreme Court and glowing praise from *The Wall Street Journal* editorial page even as Clintonites reviled him as a partisan nutcase unfit for the bench. It's no wonder conservatives fell into shocked silence when Lamberth turned his fiery temper upon Norton.

If Lamberth has earned a reputation as a cowboy on the bench, it could be because he is one.

Lamberth's treatment of Norton suggests that the Bush administration could be in for a rough ride as more White House business lands in D.C.'s federal court before one of its most colorful and no-nonsense judges. Sitting on one of the nation's most powerful trial courts, Lamberth has wide reach. His jurisdiction covers criminal cases from the smallest D.C. drug bust to congressional mail fraud. He also handles a battery of civil lawsuits covering most of the federal government (including the military). On top of all that, Lamberth is the chief judge of the Foreign Intelligence Surveillance Act (FISA) court, where he oversees Justice Department applications for secret wiretaps of alleged spies and terrorists.

That combination of powerful posts made Lamberth a serious thorn in Clinton's side, and promises to do the same for Bush. Attorney General John Ashcroft's order to government agencies to ignore Freedom of Information Act (FOIA) requests, his refusal to turn over the names of immigrants detained in terrorism investigations, plus Dick Cheney's refusal to identify the members of his energy task force, have already sparked a flurry of litigation, some of which may eventually make it into Lamberth's courtroom. And as history shows, Lamberth may be a Republican, but he has never been a friend to an administration that specializes in keeping secrets.

The Cowboy and the Indians

Sitting on a hard bench in Washington's E. Barrett Prettyman U.S. Courthouse in January, I am struggling to stay awake. A lawyer from the U.S. Attorney's office is grilling some poor sap about a computer system that has been imploding at the Interior Department's Bureau of Indian Affairs. His questions are filled with cryptic acronyms like TAAMS and IIM, test scripts, exhibit 12, tab 4... My eyes are getting heavy. It's a month into the Norton contempt trial and the witness has been on the stand now for days. It's freezing cold in the courtroom—a strategy Lamberth reportedly employs to keep people awake. In my case, it's not working.

As the government lawyers drone on with questions about the minutiae of memos, my head bobs from one side to another. A guy in the corner is already asleep. Suddenly, though, I'm jolted awake by a booming voice from the bench, "Does this have a page 2?" When I open my eyes, Lamberth is squinting at a piece of paper and flipping it back and forth. Apparently the exhibit pages are misnumbered 1 and 3, even though it's only a two-page memo. "All these assistant secretaries signed this without a page two?" Lamberth asks, shaking his head in bemused disgust.

What's amazing about Lamberth's outburst is not what it reveals about sloppy government, but what it reveals about the judge. Not only has Lamberth managed to stay awake during the hours of tedious testimony, but he is closely following every turn of the questioning and scrutinizing each piece of evidence along the way. He knows the material as well as any of the lawyers.

In fact, as the day proceeds, the judge frequently turns his Churchillian profile towards the witnesses and interrupts the lawyers to ask a question ("So what you're saying, essentially, is the system just didn't work?"), and he is not immune from mocking the various absurdities of federal bureaucracy. ("You know any banker would be in jail for handling funds like this, don't you?")

Cobell v. Norton has been dragging on now for more than five years, and ranks as one of the most complicated pieces of litigation in federal court history. The voluminous files in the clerk's office offer a comprehensive history of the government's treatment of Native Americans since the beginning of the republic. It's the story of the push for development of the American West and the thieving, cheating, and bloody battles for the rights to oil, gas, and mining riches on Indian land. In this latest phase, it is a tale of payback for more than 300,000 Indians who've watched the government lose track of as much as $10 billion owed to them, and then were told to buzz off when they had the nerve to protest.

But the day-to-day testimony of this trial is a long way from the rez. Instead, lawyers have boiled this trail of tears down to more mundane issues of whether the Interior Department is making a reasonable effort to create a basic accounting system to keep track of the

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thousands of oil, gas, and other leases it holds on behalf of the Indians.

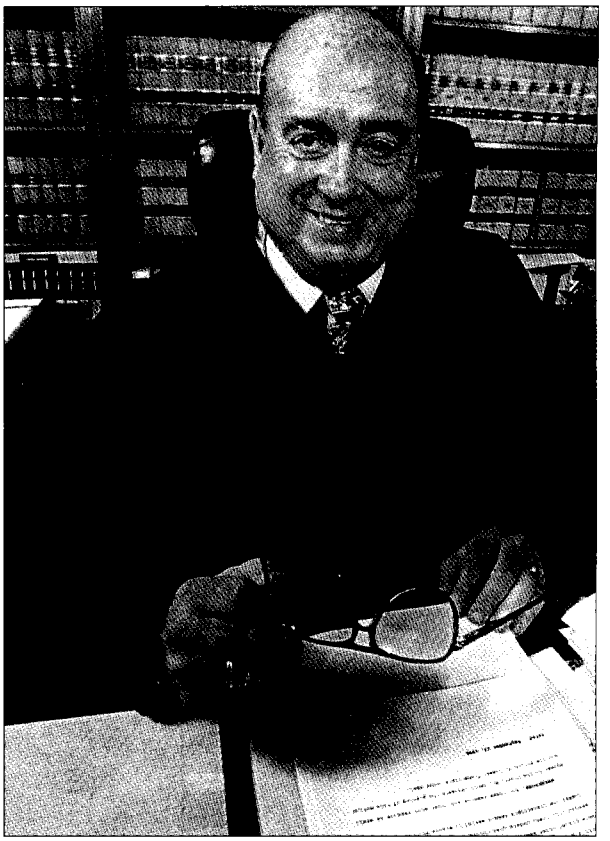
The lawsuit involves dusty, incomplete records dating back to 1887, covering 55 million acres of land, 100,000 active leases, billions of dollars, 20-year-old computer systems, dozens of federal offices, faceless and obstreperous bureaucrats, and more than 100 lawyers—and those are just the ones on the government side. And then there are the lies, mostly from the government, making truth and justice highly elusive goals, and a quick resolution nearly unimaginable. No judge in his right mind would want this case. Yet as this soporific torture session of federal bureaucratese wears on today, Lamberth tips his fleshy frame back in his chair, rests his hands behind his head, and smiles as if he were absolutely enjoying himself.

Lamberth has been enjoying himself on this bench for 15 years, ever since Ronald Reagan plucked him out of the D.C. U.S. Attorney's office in 1987 and ensconced him on one of the country's most influential federal courts. Lamberth has repaid the favor by infuriating the government and endearing himself to underdog litigants ever since.

If Lamberth has earned a reputation as something of a cowboy on the bench, it could be because he is one. Born and raised in San Antonio, and a graduate of the University of Texas undergraduate and law schools, Lamberth is a real Texan. He is famous for attending an annual judicial conference barbeque in his "cowboy outfit," consisting of cowboy boots, red scarf, and a cowboy hat covered with pins from every rodeo he has ever attended. While he doesn't ride a horse, the jowly judge does drive an enormous white Lincoln Towncar (stocked with country-western CDs) which his clerks must occasionally captain when Lamberth needs to go to emergency meetings at the Justice Department.

Unlike most of George W. Bush's judicial nominees, who have spent the bulk of their legal careers in private practice or in universities, this cowboy has spent his entire career working for the federal government. That experience informs his unique view of the people who come before him in court, and has imbued him with a healthy suspicion of the government not unlike that of some of the conspiracy theorists who file suits in his courthouse.

The son of a mechanic who ran the motor pool at the local Air Force base, Lamberth got his interest in the law at a young age the old-fashioned way: watching Perry Mason. He worked in a donut shop all through high school, but got a bug for politics somewhere along the way, and during college and law school, spent his summers in Washington. Lamberth could never get his



Judge Lamberth, a.k.a. "Tex."

local congressman to hire him as an intern, so he went to work as a waiter at an Alexandria, Virginia Howard Johnson's where, he says, everyone knew him as "Tex," and the tips were incredible. He worked nights and spent the days sitting in on congressional hearings and studying the ways of government on his own.

Lamberth was drafted out of law school, and ended up joining the Army's Judge Advocate General Corps, hearing cases in the field, including service in Vietnam in 1969 and 1970. In Vietnam, he once defended a handful of Rangers accused of war crimes. In their defense, Lamberth argued that the Army had to produce bodies in order to prosecute his clients for murder, a comment that prompted an irate judge (in true Lamberthian fashion) to order him to accompany the soldiers on a combat mission to "ensure that their rights weren't being violated," Lamberth says.

After leaving the Army, Lamberth spent 13 years at the U.S. Attorney's office in D.C., finally serving as chief of the civil division, the same office that is now defending Gale Norton.

Joseph diGenova, Lamberth's former boss at the U.S. Attorney's office, says, "Having represented government [agencies] as long as he did, he understands how they function and dysfunction. He knows the games

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they play on the Justice Department lawyers who represent them."

Dennis Gingold, the attorney representing the Indians in *Cobell v. Norton*, concurs. "[Attorneys from] Main Justice [are] without inhibition misrepresenting facts in court," he says. "But most judges don't have the substantive knowledge to identify the conduct. Lamberth knows exactly what it is. We're dealing with a person who is bright, well-prepared, who understands how the government operates. Because of the way judges have been selected over the years—not because of their skill—he is rare."

Yet Lamberth has been roundly demonized in the trust-fund case, thanks to cagey Interior officials, who have publicly blamed him for all the recent Internet problems—including the department's inability to issue checks to poor Native Americans. The press responded by bashing Lamberth for what *Seattle Times* columnist Ron Judd recently dubbed "one of the most egregious cases of judicial overkill in modern times."

Many judges might have fallen for the Interior Department's ploy and backed down. After all, Odyssey vans full of American families trying to vacation in Yellowstone are a powerful constituency to have pissed off. But Lamberth hasn't flinched. Instead, he told Justice Department lawyers he was on to them. "Here in Washington," he said, "we have something called the 'Washington Monument syndrome.' Every time Interior loses its appropriation, the first thing they do is close the Washington Monument. Then they go to [Congress] looking for money. In this case, people can't get online to check their favorite campsites."

Not only did Lamberth persevere, but he hauled Norton into the courtroom to defend herself personally. And given the way the case is proceeding, it may not be long before he issues his famous edict that she return and "bring a toothbrush."

Judicial Temperament

The ACLU's Arthur Spitzer first met Lamberth as opposing counsel in the 1980s. Back then, Lamberth was "helping the Reagan administration squash free speech," says Spitzer. As head of the civil division of the U.S. Attorney's office, Lamberth was in charge of defending the Reagan administration's decision to kick Equal Rights Amendment protesters out of Lafayette Park and to prevent the homeless from sleeping there. Spitzer says when Reagan tapped Lamberth for the federal bench, the conventional wisdom was that he would be a knee-jerk, pro-government jurist—and of course, a conservative one. But if the right thought Lamberth was going to become a crusader for the Moral Majority, they were in for a big surprise.

Not a year after his appointment, Lamberth came to the rescue of gay students in the District of Columbia. In 1988, Congress required the D.C. Council to enact legislation allowing religious schools to discriminate against gays because Catholic Georgetown University didn't want to give gays equal access to campus facilities. (Gay student groups were lobbying for campus standing.) Ruling that Congress had infringed on the council members' First Amendment rights by forcing them to enact legislation they opposed, Lamberth mooted the legislation.

"He's a good lesson for people to keep in mind that the people you represented as a private person don't necessarily predict your role as a judge," says Spitzer.

Still, Lamberth is a conservative. He attends functions of the right-wing legal group the Federalist Society, as well as the libertarian Cato Institute, and he serves on the advisory board of the University of Texas' *Texas Review of Law and Politics* with some serious wing-nuts, including Clint Bolick, Edwin Meese, Robert Bork, Phyllis Schlafly, Georgia Rep. Bob Barr, and University of Texas professor Lino Graglia. Lamberth is also a friend of David Sentelle, the now-famous U.S. Court of Appeals judge who replaced Robert Fiske with Ken Starr as the independent counsel investigating Whitewater, setting the stage for Clinton's impeachment.

But unlike Sentelle, Lamberth is not really an activist, or rather, his activism is mostly expressed from the bench in his consistent suspicion of government. He is not deeply involved with the Federalist Society; he doesn't go on many of the industry-funded junkets that many of his more ideological colleagues have gladly accepted in recent years. Not that he wouldn't like to go; he doesn't believe such events could compromise his objectivity. ("They're not brainwashing someone like me," he says with a hearty laugh.) But his hefty trial schedule won't allow it.

Lamberth isn't rich, and owns little stock (which left him vulnerable to landing the laborious Microsoft antitrust case because he was one of the few judges who wasn't compromised by owning shares in the company). Lamberth's closest friend on the bench is Judge Thomas Hogan, a liberal judge appointed by Jimmy Carter. And while many of his colleagues tend to select clerks who match their ideology, Lamberth seems to have only one major requirement for his: At least one of the two clerks he hires every term must be a University of Texas graduate.

If anything, Lamberth is an old-fashioned law-and-order conservative who believes that the law is the law, and he has little sympathy for those who break it. He

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tends to throw the book at the criminals who regularly come through his courtroom—especially if they happen to be government officials. In 1998, Lamberth sentenced Ronald Blackley, a top aide to Agriculture Secretary Mike Espy, to 27 months in prison for making false statements on financial-disclosure forms and to federal investigators, even though the sentencing guidelines called for six months or less.

What has really defined Lamberth's tenure, more than ideology, is his demand that lawyers, and the government, be honest and forthcoming with information he believes should be public. It sounds like Courtroom 101, but in fact, Lamberth is clearly cognizant of a dirty little secret of federal court: Lawyers lie, all the time. Most judges allow them to get away with all sorts of odious conduct that Lamberth simply will not countenance.

If the right thought Lamberth was going to be a crusader for the Moral Majority, they were in for a big surprise.

"The very nature of this guy is that he doesn't put up with sloppiness. He doesn't put up with it from Ira Magaziner and he doesn't put up with it from Gale Norton," says former clerk Bob Levy, now with the Cato Institute. "He is unwilling to put up with some of the wiggling around the law that some of the other judges are."

Lamberth is perpetually "shocked," "sickened," and "outraged" by the government's failure to produce even the most meaningless documents in discovery. His outrage often leads him to decisions some lawyers delicately describe as "intemperate," and a string of rebukes from the appellate court for overreaching. In the trust-fund case, Lamberth's impatience with bad lawyering seems a force for good, giving the government a well-deserved reprimand. But in many other cases, critics say his outrage borders on self-righteousness and leads him to mete out punishment that seems a bit out of proportion with to crime.

In 1995, for instance, Lamberth issued sanctions for discovery abuse in a discrimination case filed against ABC Inc. The case never even went to trial before Lamberth ruled in favor of the plaintiffs, who were represented by left-wing conspiracy theorist, not to say Kennedy assassination buff, Mark Lane. After deciding that ABC's lawyers—from the blue-chip firm Wilmer, Cutler & Pickering—had concealed evidence and deliberately misled the court during discovery, Lamberth ruled that the plaintiffs had won by default. He fined ABC nearly $300,000 for the deception. The decision was highly unusual. Needless to say, ABC was furious. Lamberth was overturned on appeal, but the case was a clarion call to lawyers that he was not a judge to be trifled with.

That hard-nosed approach has not endeared him to the bar, particularly his old friends at the Justice Department, who are most often the targets of his wrath. In the Indian trust-fund case, Lamberth recently recommended that the government lawyers get private insurance—a not-so-veiled threat that he intended to fine them personally for misbehavior. (Usually in such cases, the government pays.)

Last fall, Lamberth came under fire for sanctioning Justice Department lawyer Michael Resnick for failing to provide sufficient documentation for a wiretap application in the FISA court. The FISA court is a top-secret institution created in 1978 to oversee warrants for domestic wiretaps issued for national security reasons rather than criminal investigations. When the FBI wants to tap a phone, break into a house, hack into a computer, or bug the rooms of a suspected terrorist on American soil, it applies to the FISA court for a secret warrant.

A FISA court warrant does not require the same burden of proof that a search warrant in a criminal case does, which is one reason civil libertarians believe the FISA court is unconstitutional. Not only does it allow the government to secretly spy on its own citizens with little evidence of their guilt, its entire book of business is conducted in secrecy, leaving very little public insight into its workings. The statute creating the court contains protections to ensure that the government, in prosecuting criminal cases, does not simply go to the FISA court when it has too weak a case to secure a wiretap from a regular judge. But critics have charged that the seven-judge court is simply a rubber stamp for the government, because, since its inception, the court has denied just one wiretap application out of more than 12,000 made.

At a 1997 meeting of the American Bar Association, Lamberth, the FISA court's chief judge, said he resented the "rubber stamp" charge. He insisted that even if judges did not reject wiretap applications outright, they closely scrutinized and even revised them before approving them. "I ask questions. I get into the nitty-gritty. I know exactly what's going to be done and why," he said. "I have pen-and-inked changes myself on the things."

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Lamberth proved he wasn't kidding in March last year when he censured Resnick. Unfortunately for Lamberth, after September 11, when the FBI received unexpected criticism for shoddy counterterrorist investigations, law enforcement officials blamed Lamberth. They argued that his censure had a chilling effect, making lawyers leery of seeking new wiretaps—such as the one critics say the bureau should have requested for Zacarias Moussaoui. Thought to be the "20th terrorist," Moussaoui is the Moroccan man arrested in August after he tried to learn how to fly a plane but not how to land it. (Officially, the FBI has denied that Lamberth had anything to do with the decision not to surveil Moussaoui.)

Because the whole episode is classified, it's impossible for the public to really know whether this was another case of Lamberth going ballistic over a minor bureaucratic snafu or a serious screwup by the Justice Department. Either way, civil libertarians were reassured simply to know that the judge really was exercising his oversight role on the court with an eye towards protecting constitutional rights.

"Lamberth has demonstrated a refreshing willingness to scrutinize government claims and to demand absolute accuracy from the government filings. You'd be surprised how rare that is," says Jonathan Turley, a professor of public interest law at George Washington University and one of the few lawyers actually to set foot inside the FISA court.

Turley says that with its windowless, soundproof, super-secret chamber on the sixth floor of the Justice Department, the FISA court can dangerously warp a judge's perspective. "The trappings of the court can make judges feel like an extension of the intelligence agencies. That would not be the case with Lamberth. He has a healthy skepticism... It takes a great deal of self-confidence for a judge to send back a FISA application. The good thing about Lamberth is that he has never flinched. He possesses independent judgement that makes him a real protector of constitutional rights. The criticism that has been heaped on him should be a badge of honor."

The Bush administration has apparently been less pleased with Lamberth's independence. Last fall, Attorney General John Ashcroft's office sent Congress the "U.S.A. Patriot Act," sweeping anti-terrorism legislation that called for far-reaching changes in federal law enforcement. Those changes included overturning many of the rules put in place at the FBI, like those creating the FISA court, designed to protect Americans against Hoover-era domestic spying abuses. The bill (which Bush signed in October) also attempted to eliminate the provision that allowed Lamberth to send back Resnick's wiretap application.

Klayman v. Clinton

The image of Lamberth as constitutional crusader conflicts with the reputation he earned during the Clinton years, when his name became almost synonymous with Larry Klayman's. Klayman, a former trade lawyer turned right-wing activist, spent those years suing the administration for everything under the sun, and a good number of his lawsuits ended up in Lamberth's courtroom.

One of the most prominent cases—and most enduring—involves the Clinton administration's handling of the FBI files of former Republican White House staffers (known as Filegate), who sued the administration for violating the Privacy Act. Another was a FOIA suit filed in 1995 against the Commerce Department seeking information about foreign trade missions overseen by the late Commerce Secretary Ron Brown. Klayman alleged that Brown had sold slots on the missions to Democratic donors.

The cases attracted little attention until shortly before the 1996 presidential election, when allegations of Clinton campaign fundraising improprieties began to surface. As part of his suit against the Commerce Department, Klayman had won permission to depose Commerce employee and elusive Democratic fundraiser John Huang. Huang actively ducked service and avoided appearing in court until Lamberth threatened to call the marshals out to bring him in, sparking something of a media circus.

When Klayman requested documents on how trade-mission participants were selected, the administration stonewalled, hitting Lamberth's famous raw nerve. He ordered Commerce to hand over 27,000 documents. Among them, Klayman discovered evidence that Brown had indeed been giving favored seats on lucrative trips to fat-cat donors. Those discoveries led Lamberth to approve Klayman's requests to depose dozens of Commerce employees. Commerce so wanted out from under the suit—and three others filed after the initial one—that in 1997, it begged for a judgement against itself, offering to pay all of Klayman's legal fees. But Lamberth was unmoved. He wrote at one point, "This is not a case of a mere 'fishing expedition.' Even if it were, however, [Judicial Watch] has now caught some fish, and the court is unwilling to suddenly post a 'no fishing sign.'"

One of those fish turned out to be Nolanda Hill, one of Brown's former business partners, who in 1998, testified that Brown had told her a slot on a trade mission could be had for a $50,000 contribution. She also

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claimed that the White House had told Brown to "slow-pedal" the search for documents Klayman wanted released. Klayman's investigation also turned up evidence that after Brown was killed in a plane crash in the Balkans, the Commerce Department had shredded hundreds of documents that should have been released. The disclosure prompted Lamberth to accuse the administration of showing "disregard for the law" and to clear the way for even more document requests and depositions. The suits are still continuing.

Filegate is also heading into its sixth year, with no trial in sight, and long after an independent prosecutor abandoned a similar line of inquiry without charging anyone. Filegate's public revelations have been somewhat underwhelming given its longevity. In January this year, Klayman announced triumphantly that the government had admitted to discovering—at a cost of $12 million—nearly 2 million White House emails that hadn't been archived properly because of a computer glitch. Of course, the email dates back only until 1996; by then, most of the people involved in Filegate had left the White House. (One can imagine how many White House intern happy-hour plans the government concealed in its deception.)

Critics have charged that Lamberth gave Klayman far too wide a berth to depose people and subpoena documents in areas often completely unrelated to the issues in the original suits. In Filegate alone, Klayman deposed Harold Ickes, Deputy FBI Director Larry Potts, Lanny Davis, Mack McLarty, Linda Tripp (four times), James Carville, George Stephanopoulos, Mandy Grunwald, John Podesta, Bernard Nussbaum, Paul Begala, Pentagon flack Kenneth Bacon, and dozens of others—practically every political operative connected to the administration.

Carville still fumes about his experience with Lamberth. He had never worked in the White House, he was not working there when the case was filed, and Klayman never produced a single person who suggested that the FBI files might be in Carville's office. Carville wasn't even a litigant in the case. Yet Lamberth allowed Klayman to turn Carville's office upside down.

Klayman went through everything, says Carville. "Everything I had in my office, polls, tapes of TV appearances. Ever went to the proctologist, it was in there ... Basically [Lamberth] let Klayman subpoena everything in my office and then [Klayman] took it all on TV and gave it to *The Washington Times*."

Carville also had a run-in with Lamberth, who "went ballistic" when Carville's lawyers asked to postpone his deposition because of a previously scheduled business trip to South America. Lamberth ordered Carville to show up anyway, accusing him and his lawyer Jo Marsh of being "less than forthcoming ... Marsh and Carville sought to mislead this court from the outset and to delay this deposition. There is simply no other explanation."

Probably it hadn't helped his case that the ragin' Cajun had initially called Klayman "a little twerp" and refused to be deposed. But despite Lamberth's assertion—and an editorial in *The Wall Street Journal* praising Lamberth for the decision—there really was another explanation for Carville's request for a date change. When Carville presented a mountain of evidence documenting his plans for the South America trip, the judge had to relent.

In retrospect, Carville says, "If you cut into [Lamberth], he probably views himself as kind of a crusader. I think he's highly susceptible to kooky theories. I think he lets a lot of goofy people have undue influence over him."

These kinds of stories helped establish Lamberth's status in the right-wing pantheon, and brought him nothing but scorn from Democrats. But neither side presented a full portrait of the judge. Even Stanley Brand, who represented Stephanopoulos in Filegate, notes that the press only focused on the motions Lamberth approved. "Most of the rulings that Lamberth issued were in our favor. People forget that," says Brand.

In fact, Lamberth did occasionally rein Klayman in. For instance, he refused to let Klayman depose Penthouse publisher Larry Flynt after Flynt's daughter claimed he might have some of the FBI files. He quashed Klayman's subpoena for *The New Yorker*'s Jane Meyer. Also, in 1999, Lamberth sanctioned Klayman and ordered him to pay court costs and legal fees for Linda Tripp's former stepmother after Klayman violated Lamberth's order not to ask her about family matters in a deposition. And despite five years worth of requests, Lamberth still has not given Klayman what he wants more than anything in the world: permission to depose Hillary Clinton.

Still, the Judicial Watch cases fueled suspicion that Lamberth was in cahoots with the "vast right-wing conspiracy" to bring down the Clinton administration, and that he was somehow getting all the Klayman cases through nefarious means. In fact, Lamberth's misfortune in getting the Klayman cases stemmed from two factors: One, Lamberth moves his docket. He is one of the hardest working judges on the bench, and as one admirer notes, if all the judges managed their caseloads as well as Lamberth, there would be no backlog at the court. (Moving cases also has a downside: pushing up a judge's reversal rate. Lamberth gets

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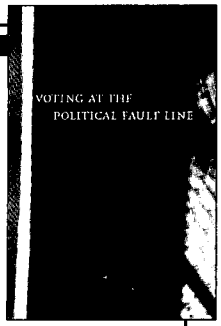

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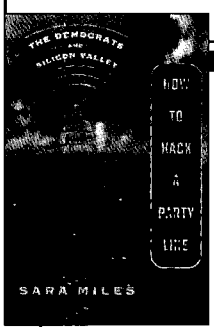

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overturned a lot on appeal.) But because he moves so many cases, Lamberth also gets more.

The second factor was that Klayman literally filed dozens of lawsuits against the Clinton administration. Simple math ensured that Lamberth was bound to end up with a few of them. Klayman also filed suits attempting to link them to matters already in Lamberth's courtroom to try to hedge his bets in getting Lamberth assigned to them. Lamberth himself rejected 11 out of 12 of these cases. Nonetheless, the White House launched a personal attack against Lamberth, branding him a "loose cannon" and subjecting him to a tremendous amount of vitriol. "Everyone was clamoring for Lamberth to shut the lid on Klayman," says Turley. "At points the criticism of Lamberth was deafening. The man has remarkable intestinal fortitude."

Watergate Dreams

Lamberth's courtroom style may set him apart from most, if not all, of his colleagues on the bench today, but he does have a predecessor: Judge John J. Sirica, to whom he is frequently compared. Sirica was the chief judge of the same court Lamberth sits on who presided over the Watergate break-in cases and whose determination to find the truth led to President Nixon's resignation.

Sirica tangled with the Nixon White House over issues of executive privilege, and like Lamberth, questioned witnesses himself. Sirica became known as a judge who asked the questions lawyers didn't think to ask. As he later wrote, "I had no intention of sitting on the bench like a nincompoop and watching the parade go by."

While Lamberth seems to have adopted Sirica's style, he has not been so lucky as to land a case as significant as Watergate. John Huang is no Gordon Liddy. As Joe Klein has suggested about Bill Clinton, Lamberth is perhaps the right man at the wrong time, a fierce crusader for justice searching for glory and smoking guns amid millions of meaningless White House emails.

That's not to say that his aggressive government oversight hasn't served the public good. Without Lamberth's prodding, it's unlikely that the Interior Department would have lifted a finger to undo its century-long screwup of Indian trust funds. It wasn't until Lamberth shut down its Internet system that Interior took its very first steps to address security problems first identified more than a decade ago. After he held Robert Rubin in contempt in 1999, Rubin ordered the Treasury Department to retrain all 2,000 of its lawyers in legal ethics and federal court procedures to ensure that they lived up to Lamberth's strict standards.

And if the past is any indication, Gale Norton will not be the only errant Bush administration official to be reprimanded by Lamberth. Not since Richard Nixon has there been a president so enamored of cloak-and-dagger governance. Lamberth's demands for government transparency could be a welcome corrective to the administration's stealth. So far, the administration has dodged the bullet, so to speak, with pending suits over Cheney's energy task force going to less bellicose jurists. But the honeymoon is not likely to last. Larry Klayman has already announced that he has more than 100 FOIA actions currently pending all across the government, with litigation certain to follow. Odds are good that at least one or two of those suits will end up in Lamberth's hands. ●

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Science Fiction

After spending half a billion taxpayer dollars, alternative medicine gurus still can't prove their methods work. How convenient.

By Chris Mooney

HIGH ON A WINDSWEPT MOUNTAINSIDE in Northern India, an appropriate setting for dramatic discovery, a team of medical scientists from Harvard unpacks its equipment: notebooks, coils of tubing, and a black globular hanging thermometer. Once a makeshift laboratory has been assembled, the team turns to its research subject, a shaven-headed monk in flaming orange robes, and proceeds to wire his body with lightweight thermistors. The scientists have won special dispensation from the Dalai Lama himself to study this monk, an advanced practitioner of the sacred Tibetan technique known as *tumo*, in which true believers are said to dramatically increase their body temperatures through intensive meditation. Some *tumo* masters are rumored to have performed astonishing feats, such as steam-drying freezing wet sheets draped across their backs. On this day, however, the researchers register no such miracle. As they conclude their work, the monk, looking sheepish, explains through a translator that he simply couldn't meditate properly. He wasn't able to "turn the corner" and so failed to achieve the true "bliss consciousness" that *tumo* requires. The reason? Because of the invasive rectal thermometer inserted to measure the phenomenon.

This may sound like a joke, but it's closer to cutting-edge science. A documentary containing this scene was shown to me by Dr. Herbert Benson, the lead scientist in the *tumo* study and the director of Harvard's Mind/Body Medical Institute. A cardiologist by training who authored the 1975 bestseller *The Relaxation Response*, Benson is at the forefront of one of the most important medical movements in decades, the push to incorporate nontraditional or "alternative" healing methods into the canon of Western medicine. He is one of hundreds of researchers at dozens of medical schools studying these previously untested techniques, collectively referred to as "complementary and alternative medicine" or "CAM"—everything from meditation, acupuncture, and herbalism to radical procedures like chelation, colonics, and leech therapy. The goal is to determine which treatments hold legitimate medical value and which are mere superstition.

Though many techniques are centuries old, the American public's fascination with these treatments has lately boomed. Today, CAM is a rapidly growing $32 billion-a-year industry. As its popularity has mushroomed, so too has the medical community's interest in understanding it. As a result, a longstanding animosity between "alternative" practitioners and mainstream medical scientists has begun to thaw. Since the early 1990s, the National Institutes of Health has awarded hundreds of millions of dollars in grants to researchers studying CAM treatments. Many more have embarked on their own studies at medical schools across the country. The money and attention mean that alternative medicine's mythic claims of healing are finally being put to the test. In theory, this should be good news for everyone: Mainstream medicine can assimilate whatever proves worthy, while practitioners of legitimate alternative and complementary techniques can finally gain the authority of scientific approval and respect after decades of slights and ridicule.

But in practice it hasn't worked out that way. After a decade of studies, the truth about CAM is proving much harder to pin down than anyone imagined. This uncertainty hasn't hurt proponents; indeed, it's probably helped them. They've made inroads at all the top medical schools. Philanthropic organizations have showered money on programs and scholarship to boost CAM's visibility. The simple fact that medical schools are taking

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it seriously has lent alternative and complementary medicine an air of legitimacy. But the benefit to traditional science is much less clear. While a few techniques have proven reasonably effective—meditation, acupuncture, music and massage therapy, and some herbal remedies—they're the exception. The trouble has been identifying, once and for all, what doesn't work. While it should be relatively easy to gauge the merits of, say, leech therapy, in many cases CAM proponents have quietly ensured that it isn't. Rather that submit to scientific testing, they're using CAM's ambiguity to their advantage, and have often been frustratingly circumspect about conceding their failures. Some fall back on the old mantra that "more testing" is necessary. Others try to bend science to their own specifications. Still others take a page from the Tibetan *tumo* master by claiming that scientific testing simply cannot measure some kinds of CAM effects—claiming, in essence, that the scientific establishment should just take their word for it.

CAM's supporters are trying to have it both ways—and succeeding. Today, a guilty silence shrouds an increasingly important question: Can a field like alternative and complementary medicine, which in many cases is inherently hostile to science, survive its arrival into mainstream medicine? Or are American taxpayers the victims of an expensive medical swindle being abetted by the nation's leading medical schools?

Aches and Pains

The conflict between alternative and scientific medicine dates back at least a hundred years, during which time the two camps have become bitter foes. The medical establishment has long viewed techniques outside its purview as quackery; in return, it has been accused of closed-mindedness and protectionism. CAM devotees have frequently claimed that mainstream medicine has refused to test complementary and alternative treatments for fear that inexpensive herbs and other simple "cures" would render profitable surgery and pharmaceuticals unnecessary. So fierce is the debate that CAM's more fervent supporters have resorted to language typically associated with extremist groups, referring to medical doctors as "jackbooted thugs." But whether or not doctors endorsed it, more and more people resorted to CAM. Its sheer popularity proved too difficult to ignore.

Ironically, the triumph of scientific medicine is one cause of this surge. Some miracles of modern medicine, such as curing certain cancers, have raised the public's expectations of what medicine should be able to do—if it can cure cancer, why can't it fix carpal tunnel syndrome? Many CAM therapies purport to treat the sort of non-life-threatening chronic illnesses—arthritis, irritable bowel syndrome—that modern medicine hasn't solved. Indeed, by dramatically extending the average life span, scientific medicine has underscored chronic pain and end-of-life conditions, thereby opening the door for feel-good alternative treatments that emphasize individual well being and generally cultivate more emotional, and sometimes spiritual, patient/provider relationships. The impersonal nature of managed-care plans has also pushed people toward CAM. Science itself, in other words, has laid the groundwork for what could be an expanded sphere of medical treatments. But within that sphere, unfortunately, there's plenty of room for quackery.

Over the past decade, several events prompted the beginnings of a reconciliation between scientific medicine and CAM. In 1992, Sens. Tom Harkin (D-Iowa) and Orrin Hatch (R-Utah) convinced Congress that the NIH should establish an Office of Alternative Medicine and awarded it a $2 million budget (Harkin believed that bee pollen, a popular alternative treatment, cured his allergies and wanted further scientific study). The following year, Harvard's David Eisenberg published a groundbreaking study in the *New England Journal of Medicine* which revealed that one in three Americans had sought treatments outside the scientific mainstream, ranging from self-help groups and energy healing to homeopathy and prayer. The article served as a wake-up call to the medical community. As bestseller lists became cluttered with such testaments to complementary and alternative treatments as Andrew Weil's *Natural Health, Natural Medicine* and Benson's *Timeless Healing*, the need to better understand the field became evident. Doctors couldn't even say with certainty which CAM therapies were safe.

Most observers say the turning point came in 1998 when the NIH, after enduring years of criticism over its shoddy alternative medicine office, made a bid for credibility by announcing that it would recommit to serious scientific testing—and established, with great fanfare, the National Center for Complementary and Alternative Medicine (NCCAM). The name alone is noteworthy—"complementary and alternative medicine" is an NIH-inspired term that many proponents eagerly adopted for its ring of scientific legitimacy. Still more legitimizing is the center's growing budget, which this year will exceed $100 million.

Doctor of Leech Therapy

Eisenberg's study initiated a scientific catch-up game, as physicians strove to understand what their patients were doing. For the most part, CAM's proponents welcomed this attention and sought to capitalize on it.

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While the field, and particularly the herbal supplements industry, is largely unregulated by the FDA, many practitioners of techniques such as acupuncture and massage therapy are eager for scientific approval in order to reap the financial benefits of having more insurance companies cover their services (as some already do). Others point out that mainstream acceptance will encourage skeptical patients and expand their market. Many would also like to strengthen the affiliation with medical schools like Harvard, where programs like Benson's and Eisenberg's lend an immediate—if undeserved—credibility to the entire field.

Many practitioners of techniques such as acupuncture and massage therapy are eager for scientific approval in order to reap the financial benefits of insurance coverage, as some already do.

In fact, that's already happening. Due to CAM's financial potential, and because it already has so many converts, proponents have had little trouble buying their way into the top medical schools. NIH remains the biggest single source of funding, but charitable foundations such as the Bernard Osher Foundation and the Richard and Hinda Rosenthal Foundation have done a diligent job of seducing universities with large donations to establish centers aimed at studying CAM "scientifically." One of the earliest was Columbia University's Rosenthal Center for Complementary and Alternative Medicine, founded in 1993. The following year, Andrew Weil founded the Program in Integrative Medicine at the University of Arizona. The race was on. Soon after, similar programs began cropping up at a number of top schools, like Duke's Center for Integrative Medicine and Harvard's Division for Research and Education in Complementary and Integrative Medical Therapies. Today, many top medical schools boast some type of CAM program—if not a full-fledged research center, then at least a class or two. Columbia's Rosenthal Center, which tracks such things, counts 129 courses and programs nationwide.

These are often funded by lavish patrons like John E. Fetzer, the late Detroit Tigers owner (and reincarnation buff) whose $450 million institute in Kalamazoo, Mich., explores the connection between spirituality and health. The biggest benefactor on the "mind-body" front, however, is Sir John M. Templeton, a retired financier whose $800 million Templeton Foundation encourages universities to teach spirituality "as a complement to traditional medicine." Templeton has funded a Benson research project on "intercessory prayer," which seeks to establish whether praying for loved ones actually helps them to heal, and helps underwrite the Center for the Study of Religion/Spirituality and Health, also at Duke.

Given all this federal and private largesse, it's little surprise that the number of studies involving complementary and alternative medicine has been doubling every five years. According to Andrew Vickers, a CAM researcher at the Memorial Sloan-Kettering Cancer Care Center, these studies are getting bigger and more professional. Last May, for instance, at a massive CAM conference jointly sponsored by Harvard and the University of California-San Francisco, 350 abstracts were presented, of which 221 saw publication. Research topics ranged from examinations of leech therapy and the herb black cohosh to attempts to design placebo needles for acupuncture studies. To some degree, things have changed even since 1998, when Marcia Angell and Jerome P. Kassirer wrote in a famous editorial against CAM in the *New England Journal of Medicine*: "What most sets alternative medicine apart...is that it has not been scientifically tested and its advocates largely deny the need for such testing." Today, many CAM proponents are happy to have their techniques tested. What they're denying are the results.

The Rectal Thermometer Loophole

Not long ago, I sat in on a typical acupuncture trial at the George Washington University Center for Integrative Medicine. Acupuncture is one of the more promising CAM treatments and is being widely tested for a variety of ailments. The lead practitioner in the study, Dr. Xiao Dong Cai of the Chevy Chase Wellness Center in Maryland, was expecting preliminary results as soon as this spring of whether acupuncture cured carpal tunnel syndrome.

When I arrived at the center, I discovered a cozy waiting room with pink and green chairs and soft lighting. It's common to view the public's infatuation with alternative treatments as a reaction against the cold sterility of modern managed care; the grandmotherly atmosphere of tolerance and understanding I encountered did

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little to cloud this impression. In fact, all that upset the vibe was Dr. Cai himself, a diminutive man and a very nervous acupuncturist.

Three afternoons a week, Cai visits the center to pop needles into patients suffering from carpal tunnel syndrome. But in only one in three cases does he insert the needles into points which, according to traditional Chinese medicine, can help balance the body's "energy" in a way that heals carpal tunnel. If each group shows the same result, it could "knock out thousands of years of treatment principle," suggests Dr. John Pan, who heads the George Washington Center and shares Cai's trepidation. "That would be very unfortunate."

Dr. Cai has another worry, too. The trial could turn out the way it's supposed to, which would suggest that he, the acupuncturist, is unnecessary. To keep from becoming a variable, Cai can't individualize his treatment or use his expertise to try to detect each patient's "energy field" while inserting the needles (a feeling which he likens to getting a tug on a rod when fishing). Instead, Cai must quickly swab and needle each patient with no more than a quick "hello." This means that if patients getting the real treatment post better results, then anybody who knew the correct points could perform acupuncture. You could even do it yourself. For this reason, Cai has "very confused feelings" about the study. The ideal outcome for practicing acupuncturists, he says, would probably be "if the result is in between."

Therein lies the problem implicit in testing popular CAM treatments—do too good a job, and you could find yourself out of work. So perhaps it's small wonder that many CAM proponents have figured out that the "ideal outcome" for any test is one that's inconclusive (or that can be made to seem that way). The past few years are rife with examples of scientific studies that have carefully debunked worthless practices, but which proponents continue to promote.

For example, last April the *Journal of the American Medical Association* (*JAMA*) published a study by Vanderbilt University psychology professor Richard Shelton that found that the popular herb St. John's Wort had no effect on major depression. Yet rather than accept his findings, groups like the Council for Responsible Nutrition (a dietary-supplement industry trade association) circled the wagons and denounced the study—along with Shelton's recommendation to discontinue the use of St. John's Wort until positive benefit can be proven.

The practice of reflexology postulates a correspondence between specific "zones" on the hands and feet which, when pressed, can heal ailments in other parts of the body. But it, too, has been tested and failed. A recent study in *Complementary Thera-*

Sins of Commission

By Christina Larson

THE NATIONAL CENTER FOR Complementary and Alternative Medicine at NIH is just one way that alternative medicine enthusiasts are using the federal government to gain respect and funding. Another card they've been happy to play recently is that old Washington stand-by: the commission.

In March 2000, after intense lobbying from Sen. Tom Harkin (D-Iowa), a complimentary and alternative medicine (CAM) convert who swears bee pollen cured his allergies, President Bill Clinton created the White House Commission on Complementary and Alternative Medicine Policy. From the start, it was clear this wouldn't be the most rigorously objective group: The 20-member commission was stacked with alt-medicine proponents, from "Tom's of Maine" co-founder Tom Chapell to Wayne Jonas, who ran the government's first CAM office, to James Gordon, author of *Manifesto For A New Medicine.*

Sure enough, the commission's report, delivered to HHS Secretary Tommy Thompson last month, resembles a detailed CAM wish-list. Its recommendations range from calling for CAM proponents to hold seats on important policy boards to requiring mandatory training in CAM reference materials for public librarians.

By far, the most consequential recommendation is that federal health plans, including Medicare and Medicaid, begin to cover CAM treatments. Insurance coverage has become the brass ring of the alternative medicine movement, whose advocates believe demand for their services would skyrocket if more private or federal insurers were willing to foot the bill.

Of course, at a time when soaring costs have already forced Medicare to cut doctors' payments for routine treatments—

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pies in Medicine proved that reflexologists were unable to identify specific illnesses in patients, and another in *Respiratory Medicine* revealed that reflexology fared no better than a placebo in curing bronchial asthma. But the 25,000-member International Institute of Reflexology in St. Petersburg, Fla., remains unconvinced.

Another discredited treatment is therapeutic touch, in which a practitioner's hands move over a subject's body to "decongest" or "balance" the patient's "energy field." As ridiculous as that sounds, it took a 1998 article in *JAMA*, based on the science project of a nine-year-old schoolgirl, to debunk it. In an accompanying note, *JAMA*'s editor Dr. George Lundberg commented, "practitioners should disclose these results to patients, third-party payers should question whether they should pay for this procedure, and patients should save their money unless or until additional honest experimentation demonstrates an actual effect." Yet many top nursing school continue to teach and promote it.

The list goes on and on. Practices such as colonic irrigation (running a tube through a patient's rectum in order to "cleanse" the intestines with warm water), iridology (diagnosing illness by studying the iris of the human eye), and ear candling (inserting a burning candle in the ear canal to remove "impurities" from the brain and sinuses) have all been debunked as useless or dangerous (the FDA has even banned the importation of ear candles). That hasn't stopped many people from practicing them.

Other CAM techniques probably don't even merit study. For instance, as I waited to meet Dr. Cai at the George Washington center, I picked up a pamphlet on homeopathy, which, for the uninitiated, is a water-based treatment that uses substances ranging from belladonna and garlic to zinc and ambergris. The catch is that most of these potions are diluted to the point that they're just water—one tenet of homeopathy being that substances somehow become more powerful as they're diluted. No matter that this violates fundamental laws of chemistry. Homeopaths insist that water "remembers" the presence of a substance it once contained and uses it to cure illness. Even proponents have trouble explaining how that's possible. Yet legitimate medical schools like George Washington University continue to promote it, while the NIH wastes money studying it.

These are hardly isolated examples. Steven Novella, a neurology professor at the Yale University School of Medicine, cites a pattern of ignoring negative results by CAM proponents: "When you push them against the wall, I've had more than one say to me, 'well, it's really hard to prove something doesn't work....'" Just like the Tibetan monk who couldn't perform for researchers,

and, subsequently, many physicians have dumped their Medicare patients—and the powerful seniors' lobby continues its push for prescription drug benefits, it's more likely that the commission's report will gather dust than support. According to one Medicare official, a treatment like acuncupture—even if research *were* to show it cured migraines—wouldn't be "high on their totem pole" of concerns.

Yet CAM supporters trumpet the simple fact that a presidential commission has recommended coverage as a major victory. It's a useful bragging point in their ongoing and increasingly successful efforts to entice private insurers to cover CAM. For instance, Aetna and Kaiser Permanente already cover some acupuncture and chiropractic procedures; Oxford Health Plans refers patients to a network of naturopaths, massage therapists, and yoga instructors; and Blue Cross Blue Shield's HMO Illinois allows clients to designate chiropractors as their primary care physicians.

Last year, consumers spent nearly $32 billion on CAM services and products, according to American Specialty Health Plans CEO and co-founder George DeVries, who also served on the White House commission. There's a hefty sum at stake in the battle over who picks up the tab in the future.

If your rates go up in the near future because your employer picks up a new insurance rider to cover chiropractic treatment for asthma or arthritis, you may have this White House commission to thank.

CHRISTINA LARSON *is the associate publisher of* The Washington Monthly.

A chiropractor's "adjusting table."

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true believers try to argue their way around the science. Call it the rectal thermometer loophole.

Quackwatching

Theoretically, NIH, as a scientific arm of the federal government, should act as a referee. But practically since it established the Office of Alternative Medicine in 1992, it has come under fire from the medical establishment for funding what critics charge are shoddy experimental procedures. One problem is that from its outset, the office has been run by CAM boosters like Wayne Jonas, author of the 1996 book *Healing with Homeopathy: The Natural Way to Promote Recovery and Restore Health*. Even after 1998, when NIH made a great show of cleaning up its CAM program, things haven't much improved. Despite the mandate from Sens. Harkin and Hatch that alternative treatments undergo rigorous scientific testing, many researchers still consider NIH's program a joke. ""It's been about eight years now," complains Stephen Barrett, an M.D. who runs the website Quackwatch.com. "They've never said that anything didn't work."

For example, the NIH doled out $1 million for a study of "magnet therapy," which traces its roots to an 18th-century belief that blood circulation can be improved by mounting magnets at various points on the human body. Though the medical community emphatically dismisses the notion, the North American Academy of Magnetic Therapy continues to claim that it's healed scores of patients.

NIH has also funded expensive studies of "distance healing," homeopathy, and shark cartilage, the last of which may be the most egregious. NCCAM has awarded more than $1 million to Charles Loprinizi of the Community Clinical Oncology Program in Rochester, Minn., to study shark cartilage's ability to heal advanced colorectal or breast cancer—an idea even some of CAM's biggest boosters, such as Dr. Marc Micozzi of the College of Physicians in Philadelphia, admit is absolute nonsense (sharks themselves get cancer, including cancer of the cartilage).

Such studies actually exacerbate the problem. A lot of NIH money has gone to study techniques that on their face are patently ridiculous—but rather than disprove them, "inconclusive" research actually props them up by making it seem as though some legitimate scientific issue were at stake.

The poor record of NIH's testing program may soon get a lot more attention. In the latest issue of the *Scientific Review of Alternative Medicine*, Saul Green, a former professor of biochemistry at the Sloan-Kettering Cancer Institute, reviews the NIH's grant history, detailing how recipients used federal money not for original research, but to repeat or comment on studies already conducted. In other words, they published uncritical studies, or merely sowed confusion by weighing in on someone else's, thereby creating ambiguity over what works and what doesn't. In this regard—at great taxpayer expense—they've been astoundingly successful. Green's conclusion could hardly be more scathing: "To my knowledge, and based on a review of abstracts published by the OAM/NCCAM, no report stated that a treatment did not work. In the past nine years, no negative result has been published, nor have any of the methods studied been shown to work to the satisfaction of the medical science community."

Ivy League Faith Healers

The free pass given to CAM has had some alarming effects. One is the lingering respect that's begun to develop for many therapies, despite the fact that they remain largely untested. The more CAM is associated with serious study, the more likely it is to be seen as legitimate or even beneficial.

Because so few researchers are publicly demystifying CAM treatments, its proponents have gained a foothold in many of the top medical schools. This only worsens the problem, because in essence, the foxes are living in the henhouse. Figures like Benson and Weil—both best-selling authors—may look good to trustees, but they're very cautious in what they say. As some of CAM's staunchest advocates, they're often inhibited from calling even the most implausible treatments what they really are—quackery. This creates an environment of academic and scientific permissiveness, in which techniques such as acupuncture and relaxation, which do merit scientific study, open the door to absurd and even dangerous therapies such as homeopathy, touch therapy, and chelation, which do not.

This is the dark underbelly of alternative medicine. Chelation, for example, involves infusing chemicals into the blood to "purify" it and is promoted by practitioners as a "natural" method of curing arteriosclerosis, or clogged arteries. But the FDA has approved its use only for lead poisoning and removing heavy metals from the blood. Edzard Ernst, a CAM researcher at the University of Exeter who is respected by skeptics and believers alike, considers chelation downright dangerous. "I have published systematic reviews on chelation therapy," he says, "in which the last sentence was this: 'this therapy should now be considered obsolete.'" Yet chelation continues to be promoted by the American College for Advancement in Medicine, which claims 1,000 practitioners mostly in the U.S. And it's on the syllabus in

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CAM classes at medical schools like University of North Carolina.

The same is true elsewhere. Tufts University offers a course on *reiki*, an ancient Japanese touch-healing practice that lacks any scientific merit. So has Yale. The University of California-San Francisco teaches "Introduction to Homeopathic Medicine." And lest there be any question of how this material is presented, Dr. Wallace Sampson of Stanford University, who edits the *Scientific Review of Alternative Medicine*, has published a survey of CAM classes at top medical schools and found that with the exception of a handful of courses, none teach the material from a skeptical standpoint. Even Harvard teaches homeopathy.

The past few years are rife with examples of scientific studies that have carefully debunked worthless practices, but which proponents continue to promote.

In fact, Harvard has been especially complicit in this trend. David Eisenberg, who directs its CAM program, claims to be devoted to separating the good from the bad in alternative medicine. In 1996, Eisenberg wrote in *The New York Times*: "The objective is to distinguish useful from useless therapies. Are they safe, effective and can they reduce health expenditures? When they work, do they work because of some herb, needle, pressure point or the belief in such?" Yet Eisenberg's 1987 book *Encounters with Qi: Exploring Chinese Medicine* sounds more like Obi-Wan Kenobi explaining the ways of "The Force." Eisenberg presents credulous accounts of psychokinesis, adopting a pose of contrived skepticism that lends the appearance of scientific inquiry to a book that has little. I tried contacting Eisenberg to ask him to reconcile these views, but was told I'd have to be "vetted." After vetting, my interview request was denied.

Ending Pseudoscience

While the debate over "alternative" medicine rages on among doctors and medical researchers, there's one sure way to determine where things stand: Ask CAM proponents for proof that testing works. Even those who insist rigorous scientific testing is occurring are often hard pressed to cite an example of a therapy that's plainly bogus. I put this question to Marc Micozzi, executive director of the College of Physicians in Philadelphia and the editor of *Fundamentals of Complementary and Alternative Medicine*, the first college-level CAM textbook. Micozzi could only come up with shark cartilage—and even now the NIH has yet to dismiss that. Meanwhile, many of Micozzi's colleagues bob and weave to avoid serious scrutiny.

Despite the dissembling, there are plenty of reasons to believe that much of CAM isn't compatible with mainstream medicine, that its proponents are practicing religion or philosophy as much as science. For one thing, some admit it. Micozzi says the testing data on CAM suggest that "there's another dimension to human life and healing that's not material." Perhaps. But while Micozzi says he fully accepts the need for proof, in the next breath he says that "Western" medicine has grown stagnant and protectionist and may be too limited to measure CAM's benefits. If you look past the serious-sounding textbook and the academic credentials, that's not very far removed from the *tumo* monk's claim that testing prevented him from performing his medical miracle. Until this cycle of excuses and doubletalk ends, the rest of us won't be able to separate the good from the bad.

CAM's proponents must do more than simply assert its medical value. They must finally cop to the rules of scientific rigor—no exceptions, no special pleading, no postmodern philosophy, and no hiding in the skirts of more legitimate treatments. Simply calling for "more research" won't do, since it's just another way of dodging the facts. And since so few proponents share Dr. Cai's willingness, however reluctant, to put their beliefs to the test, it should fall to NIH and the nation's top medical schools to do it for them. That means halting the CAM gravy train in which academic institutions are effectively lulled into submission by millions of dollars in foundation grants. The deans and presidents of respected schools like Harvard should step in and call out professors and directors who'd like to trade on their academic affiliation without living up to what that entails.

For all the money, studies, and attention given to CAM, in many cases we're still not much closer to knowing what works and what doesn't, what will heal and what will hurt. The observation of Marcia Angell and Jerome P. Kassirer in the *New England Journal of Medicine* still applies: "There cannot be two kinds of medicine—conventional and alternative. There is only medicine that has been adequately tested and medicine that has not, medicine that works and medicine that may or may not work... If it is found to be reasonably safe and effective, it will be accepted." And if it's found to be otherwise, it should be rejected. By everyone. ●

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Ran-goons

Why isn't Burma on Bush's "Axis of Evil" list?

BY JOSHUA KURLANTZICK

BURMA MIGHT NOT TRIUMPH IN AN audition for the Axis of Evil, but it could at least serve as an understudy. The fractious and desperately poor Southeast Asian country is run by a militarist government every bit as tyrannical and insane as the regimes that rule Iraq and North Korea. Throughout the tropical nation, world-class drug lords operate a wink's length from the regime and heavily-armed ethnic militias roam wild, spreading narcotics, arms, and instability to neighboring countries, including important U.S. allies like Thailand and India. The World Health Organization contends Burma, which now calls itself Myanmar, has the second-worst health system in the world, which is saying a lot, given the fine quality of medical care in Sierra Leone and Liberia. What's more, while many Burmese starve, the junta builds massive Buddhism-inspired monuments and golf courses.

Most frightening, Burma's ruling generals have decided to build a nuclear reactor. What for? "Medical purposes," says Burma's foreign minister, yet the country doesn't have the technology to make radioactive isotopes used in medicine. It does, however, have a shady history regarding weapons of mass destruction. In the mid-1990s, the respected arms control group International Peace Research Institute, as well as American intelligence, accused Burma of possessing a chemical-weapons program. Burma's neighbors—and the U.S.—certainly can't be reassured by the fact that two Pakistani nuclear scientists whom the CIA reportedly wanted to question about potential ties to Al Qaeda were sent to Burma shortly after Sept. 11 on an unknown research project, and allegedly haven't returned.

So, why, in the wake of Sept. 11, has the Bush administration been largely silent about Burma, even as it beats the drums for regime change elsewhere? One reason is energy. Burma is awash in natural gas reserves, and foreign oil companies, which have extensive investments in the country, are not eager to see the status quo disrupted. Also, intelligence reports have yet to show that the nuclear facility will be used to make fissile material. In any event, Burma lacks the missile capability that could theoretically allow it to deliver weapons of mass destruction. In short, Burma is a threat to our allies in the region, but not to us. In this way, Burma illustrates the weakest link in the emerging Bush doctrine. We demand that our allies support our actions against terrorists and regimes that threaten U.S. security. But if our allies need help countering threats that only endanger *their* security, we turn a blind eye.

This is not a sustainable policy. If America hopes to maintain leadership of international security affairs without provoking more of an anti-U.S. backlash around the world, Washington must utilize its diplomatic, economic, and even military tools against slightly-less-evil states that threaten our close friends. We want our friends to pick up the peacekeeping ball after our military punts it? We want our buddies to use their top intelligence officers to find terrorists, when they have many other problems to deal with? Then we have to offer allies carrots, which include more forcefully taking on the conflicts and rogue states they care about.

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What Sarong

I spent some time last year in Rangoon, the Burmese capital, and came away convinced that the country is imploding. Compared to neighboring Thailand, which even during the Asian financial crisis maintained a relatively high standard of living and a solid middle class, Burma appeared destitute. Near Shewedagon pagoda, the great Buddhist structure at the heart of Rangoon, children begged for food. Taxi drivers, proud and immaculately groomed in long, Burmese sarongs, politely requested U.S. dollars, since the value of the kyat, Burma's currency, has fallen through the floor. Near the waterfront, ragged-looking families slept in a field, until police shooed them away.

Agence France Presse

Opposition leader Aung San Suu Kyi speaks to a National League for Democracy meeting in Rangoon.

Meanwhile, Burma's increasingly isolated government remains in the hands of generals who would do virtually anything, including, in my opinion, producing fissile material, to remain in power. Near Rangoon's central market, huge signs vow, in Burmese and English, to crush all enemies of the state. International labor organizations believe the government is using forced labor to build infrastructure around the country. Even when I met Burmese journalists outside the country, I found them unwilling to speak openly with me for fear of the consequences they might face when they returned. State-run television (known affectionately among Bangkok journos as "monks' and soldiers' TV," since it doesn't feature any other Burmese), lavishly praises the omniscient generals, who alternatively promise democracy and strengthen the secret police's hold on Burmese society. Over 1,500 political prisoners remain locked in Burmese jails, and when I wandered up Rangoon's University Avenue, I saw groups of soldiers encamped around the home of opposition leader Aung San Suu Kyi, who has been under house arrest on and off for over a decade.

Since my visit, the junta has stepped up talks with Burma's pro-democracy opposition, which won a free election in 1990 but was prevented from taking power by the military. But thus far, this dialogue has not moved much. "The military intends to keep a very strong hold over the country," Burma specialist David Steinberg says. The government continues to tolerate forced labor and commit other monstrous human rights abuses. In the new book *Living in Silence*, veteran Burma-watcher Christina Fink, who interviewed many refugees from Burma, describes brutal torture sessions of political prisoners; other experts believe the army rapes and often summarily executes civilians in the country's ethnic minority areas. Meanwhile, officials of the International Labor Organization, who visited Rangoon last month, were barred from meeting Suu Kyi.

As Burma spirals downward, it scares the wits out of its already-frightened neighbors. Thailand has grown frustrated with Burma's unwillingness to crack down on opium and amphetamine producers, many of whom make a killing by supplying Thai drug dealers with heroin and speed tablets. In recent months, the cash-strapped junta reportedly has allowed the United Wa State Army, a 20,000-strong ruthless ethnic militia that now operates virtually unfettered in northeast Burma, to drastically expand drug production. Satellite photos

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taken this winter revealed the Wa, who have been called the world's largest armed narcotics-trafficking organization, furiously growing poppies out of season. The U.S. believes that Burma will become the world's biggest producer of opium in 2002, taking the place of Afghanistan. Thailand already has more than two million drug addicts, out of a population of only 60 million, a number only too likely to rise as more drugs flow in.

Burmese drugs are having an insidious effect on Chinese society as well. The Wa have begun to focus on China's southwestern province of Yunnan, which borders Wa-controlled territory. Drug-control experts estimate that China already has four million addicts, and the spread of drugs has boosted the People's Republic skyrocketing HIV infection rate. In some parts of Yunnan, more than 75 percent of intravenous drug users now are infected with HIV.

Not only drugs but also potent weapons and armed conflict spill over Burma's borders. Burmese militias like the Wa, as well as the Burmese armed forces, frequently venture into Thailand, where they reportedly have abducted and killed scores of innocent Thai citizens. In February, militia gangs crossed into Thailand and massacred more than 20 villagers, slitting their throats and then dumping them in a river.

Meanwhile, the Indo-Burmese border between has developed into one of Asia's biggest weapons bazaars, feeding insurgencies across the region. Indian officials are rightly worried. India has numerous armed insurgent groups, and suffers from frequently tense Muslim-Hindu relations that recently exploded into violence. Yet most of the chaos created by the insurgents and the rampaging Hindu and Muslim mobs has been accomplished with very rudimentary weapons—knives, torches, simple bombs. To imagine what might happen if small arms from Burma flood parts of India, one only has to remember the slaughter that ensued in Kosovo when Albanian ethnic rebels got their hands on Kalishnikovs that had been broken out of storehouses in Albania.

And then there are the nukes. The junta plans to build the reactor even though its power grid has collapsed. When I was in Burma last year, my hotel's electricity failed roughly every fifteen minutes. Much of Burma's gas is sold abroad, and provides little benefit to ordinary Burmese. Security at Rangoon's atomic energy department is so bad that foreign journalists have walked right in past sleeping guards. More than 300 Burmese technicians have received training at a Moscow nuclear laboratory over the past year, and Russia plans to provide more technical and financial help to the reactor project. And who knows what other countries are contributing to Burma's nuclear know-how? According to William Ashton, a Southeast Asian security expert, since the early 1990s, the Burmese military service has developed a close relationship with Pakistan, which has sold large amounts of weaponry to Rangoon. Were the Pakistani nuclear scientists in town to assist Rangoon in making fissile material? If not, Burma might turn to the North Koreans. In the past year, Pyongyang has drastically boosted its ties to the junta, selling Burma weapons and sending its second highest-ranking leader on visits to Rangoon.

Thai Spooks

Realizing that the Burmese government's nefarious activities are increasingly affecting its neighbors, Thailand, India, and even China, Burma's closest ally, have stepped up the pressure on Rangoon and called for U.S. help in dealing with the country's drugs, weapons, and militia issues. Last May, President Bush declared that the junta poses a threat to America's national security and last summer sent a small contingent of special forces to help the military combat narcotics. Unfortunately, Washington's response hardly begins to match the threat posed by Burma's massive new drug production, nuclear ambitions, and cross-border incursions.

The Bush administration might be unsympathetic to a more robust policy towards Burma. Burma has always been a lefty cause; GOP lawmakers, sympathetic to the oil lobby, fought a losing battle against the Clinton administration's policy of imposing sanctions. Meanwhile, Vice President Cheney, himself an opponent of economic sanctions, probably isn't hot to draw attention to Burma. Halliburton, the petroleum and energy services company Cheney once ran, made extensive joint venture investments in Burma during the 1990s. According to court documents, the Burmese military used forced labor on a pipeline project in which Halliburton was involved.

Many Bush administration officials may not have seen Southeast Asia as an area of concern, though the recent discovery of terrorist cells in Singapore and other countries in the region has dented that perception. Though Thailand is a placid and stable nation with few armed groups, Bangkok, which is one of Southeast Asia's premier financial centers and most diverse societies, has emerged as a hub for financing and recruiting terror. Ramzi Yousef, who bombed the World Trade Center the first time, was based for a time in the Thai capital, where he attempted to blow up the Israeli Embassy.

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Ultimately, American indifference to our allies in Southeast Asia and the world will only undermine our cause. If the U.S. wants high-quality cooperation from Thai intelligence, one of the better groups of spooks in Southeast Asia, it needs to help Thailand handle its problems as well. India, a nation that shares democratic values with America, has become more important as the security climate in the region has become more perilous. Even China, Burma's other key neighbor, has been somewhat helpful in identifying and rooting out terrorists.

The Burmese junta, as well as a few Burma scholars, contend that toppling the Rangoon government might lead to fighting among Burma's numerous ethnic groups. Yet similar ethnic divisions run through Iraq and Afghanistan, and in Burma, at least many of the ethnic minority groups have developed alliances with the pro-democracy opposition. (Suu Kyi, the leader of the opposition, is a member of the majority Burman ethnic group.)

In many respects, helping Burma's neighbors handle its rogue regime could be easier than toppling Saddam Hussein, communicating with North Korean "Dear Leader" Kim Jong-Il, or trying to ascertain which group of Iranian reformers to support. Burma already has an established democratic opposition that enjoys the support of a majority of the populace, has established party offices and political platforms, and has won the favor of the international community. Stepping up American moral, diplomatic, and even financial support for Suu Kyi's pro-democracy opposition, as well as ratcheting up pressure on the junta to engage Suu Kyi and release more political prisoners from jail, can't be as hard as training troops to take on Iraq.

In addition to publicly increasingly the level of support for Suu Kyi's party, Washington could take several other steps. Despite some sanctions on Burma, Burmese exports to America have risen by roughly 800 percent in the past eight years, providing the junta with ready sources of cash. The U.S. could use moral and political suasion to encourage American companies to cut links to Rangoon. It could stop handing out government freebies to corporations that engage Burma (Halliburton has received over $2 billion in Export-Import Bank aid). And it could quietly pressure Japan, the largest source of investment and aid to Southeast Asian nations, to stop investing in the country. America also should be willing to provide some humanitarian aid to the Burmese people, but only when the regime opens the door to the opposition and the aid comes with proper oversight that ensures dollars aren't diverted into generals' golf bags.

More important, Washington must be willing to use significant diplomatic, financial, and military resources to help Burma's neighbors address the drugs, weapons, conflict, and even nuclear material that might flow out of Burma. President Bush should use his supposedly close relationship with Vladimir Putin to push Russia to stop recklessly selling nuclear training and MiG fighters to Rangoon. Washington should increase the number of Special Forces operating near the Thai-Burmese border, to help Bangkok prevent the Wa from boosting narcotics shipments into Thailand and killing Thai civilians. The Pentagon also should consider expanding its program of training Thai army task forces in narcotics interdiction and extending the program to the Indian armed forces, if Delhi so desires.

We demand that our allies support us against threats to U.S. security, but turn a blind eye to threats that only endanger our allies' security.

Of course, it's wise for the Bush administration to husband limited American military might on the most direct threats to U.S. security. But that doesn't mean that it can ignore threats to our allies' security. The Clinton Administration learned that lesson the hard way, dithering for years in eastern Europe before concluding that it had to take military action in the Balkans for the sake of peace on the continent and the NATO alliance. Even the Bush administration seems to be broadening its notion of national interest to include lesser threats, sending troops to Georgia and signaling a willingness to broaden military support of the Colombian government, which is fighting a terrorist group that does not threaten America. Helping our Asian allies deal with Burma will add yet another mission to an already-complicated American security presence around the globe. But it will also strengthen our hand against terrorists by sending a signal to allies around the world that we really are all in this together.

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Almost Famous

The rise of the "nobody" memoir.

By Lorraine Adams

THIS SPRING THERE ARE MORE MEMOIRS than last spring by, for want of a better term, "nobodies," those who are neither generals, statesmen, celebrities nor their kin. So many have appeared as to elicit a parody of the genre—Daniel Harris's *A Memoir Of No One in Particular: In Which Our Author Indulges in Naive Indiscretions, A Self-Aggrandizing Solipsism, and An Off-Putting Infatuation with His Own Bodily Functions.*

It has been called a bonanza, a movement, a spate, a tide. "This is the age of memoir. Never have personal narratives gushed so profusely from the American soil as in the closing decade of the twentieth century. Everyone has a story to tell, and everyone is telling it," announced William Zinsser, the granddaddy of writing guides, in *Inventing the Truth, The Art and Craft of Memoir.*

The epoch's heroic figure is Frank McCourt, who, at 65, wrote a memoir of his mean Irish childhood, *Angela's Ashes*, that sold millions and won the Pulitzer. Its boy wonder is Dave Eggers, whose *Heartbreaking Work of Staggering Genius* is a pony-wide micron-deep curl of a pseudo-Joycean memoir about the death of his parents (almost at the same time!) and his raising (at the age of 21!) his brother (only 7!) Its grits-and-gas-pump diva is Mary Karr, who took a year-long ride on *The New York Times* bestseller list at 42 with *The Liar's Club* (Texas kidhood with crazy ma). Its seductive wacko is Elizabeth Wurtzel, whose *Prozac Nation* delineated depression and whose newest *More, Now, Again* recreates Ritalin addiction. Perhaps the genre's most infamous embarrassment is Michael Ryan's *A Secret Life*, in which the sex-addicted former Princeton University creative writing professor describes carnal relations with the family dog, Topsy.

It is fashionable, a bid for superiority, to denigrate memoir and explain its causes in derogatory terms. The reasons have calcified. Memoir is Jerry Springer. Memoir is narcissistic. Memoir is easy. Memoir is made-up. Memoir is ubiquitous. Memoir is self-help disguised. The counter-argument also has hardened. Memoir is a genre—some practitioners are good, some not. Memoir is not new—vide Augustine. Fiction is exhausted, memoir is vital.

Both sides have stated their cases over and over. The questions remain—why memoirs by nobodies? And why now?

Here are two plausible, but partial, explanations: "I think it's a matter of Frank McCourt and Mary Karr being these breakout books," says Villard publicist Brian McLendon. "And publishers say, oh, look at that. Kind of like we now have all these adventure books after *Into Thin Air*. I think those two, McCourt and Karr, are the two that are responsible for the spate of memoirs we're having now." On the more comprehensive side: "Day by day we are hearing more about psychological Darwinism, DNA markers, genetic profiling, and we feel less and less self-determined," says Basic Books publisher John Donatich. "The news from science is even our moods are chemical. Memoir insists on the life story. It's therapeutic but also existential. It asserts, 'I'm here to tell it. I exist.'"

The hard-nosed suspect that economics are to blame. Like reality television, nobody memoirs, in one sense, are cheap to produce. The nobody gets a lower advance, obviously, than Jack Welch's $7.1 million or Bill Clinton's estimated $12 million. But editors and publicists point out that the business of nobody memoirs is really not all that different from that of the first-time novel, with one important marketing distinction: You can sometimes book a first-time nobody memoirist on *NPR, Morning Edition, Dateline* and the like, while you can't book a first-time novelist. As one editor said to me, "What would they talk

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about? Character development?"

I have read more than a dozen of the spring memoirs in the last month. Most can be consumed in a night. They are tasty. I pick them up, overheated with scorn, and cool into fascination. Because the nobody memoir allows prurience under the banner of Alfred A. Knopf or Random House, guilt is diluted. Maybe the nobody memoir is merely methadone to keep us from the smack of Sally Jesse Raphael.

To more carefully analyze the nobody memoir, I developed a taxonomy of sorts, and determined, after entering more than 200 memoirs into a spreadsheet, that almost every "nobody" memoir sorts into three types. The largest by far is the childhood memoir—incestuous, abusive, alcoholic, impoverished, minority, "normal," and the occasional privileged. The second largest type is the memoir of physical catastrophe—violence, quadriplegia, amputation, disease, death. The third is mental catastrophe—madness, addiction, alcoholism, anorexia, brain damage.

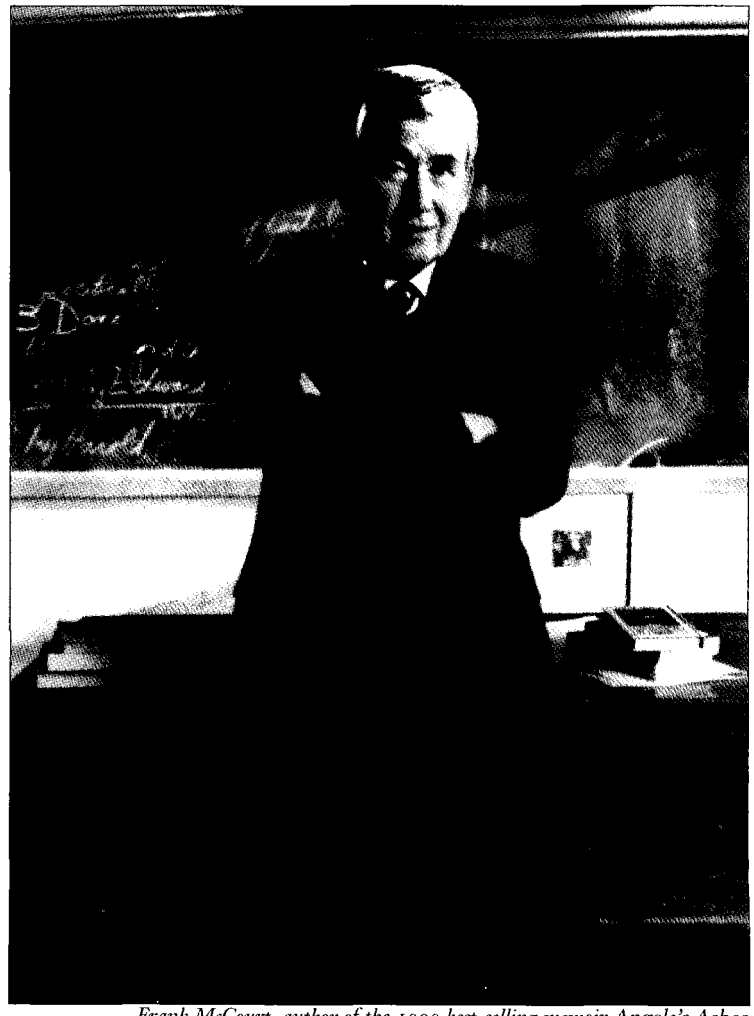
My spreadsheet is more interesting for what it lacks. There are no memoirs of falling in love, marriages, weddings. There are no memoirs, as yet, of middle age. There are extremely few memoirs of careers. There are no memoirs of crimes. (*The Son of Sam* law effectively smothered that.) Memoirs of parenting are essentially memoirs of childhood, but only certain kinds—the impossible teenager, the child injured by genetic defects, disease, or accident. Abusive parents, sexual molesters, pedophiles—none have written memoirs. There are memoirs by teenage prostitutes, but not johns. There are memoirs by battered wives, but not batterers. There are no memoirs of revenge. There are no memoirs of jealousy. The prison memoir—a tradition still viable—is a disappearing species. The African-American memoir—while alive in the hands of Debra Dickerson or Henry Louis Gates—has tapered off from a heyday bookended by slave narratives and Nathan McCall's *Makes Me Wanna Holler*.

Novels take on all of these subjects and more. Think of it—a world in which only novels of childhood and physical or mental catastrophe existed. The novel, contrary to the perennial announcement of its death, has bigger aims and more imagination than memoir ever had, or even has now. Sales figures also show that more novels sell than memoirs by vast numbers. So one explanation for the nobody boomlet—that the novel is somehow hog-tied, while the memoir is wild and free—feels wrong. Something else is in play here.

Narrative Tyranny

I am on the phone interviewing Daniel Harris, who is in his pajamas. I know this because he confesses in his memoir that he spends most of his days in a house robe because he is a book critic who works in his Brooklyn apartment. This is only the most mildly indecent disclosure he makes. The rest—scatological, pornographic, puerile—are, to a one, revolting. His book is smug and creepy. Memoir has found its Jonathan Swift.

Harris calls himself "a ferocious gangster of a critic." He began reviewing for small gay newspapers and now writes for *Harper's*, *Salmagundi*, the *Antioch Review* and



Frank McCourt, author of the 1999 best-selling memoir Angela's Ashes.

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Newsday. His previous books are *Cute, Quaint, Hungry and Romantic: The Aesthetics of Consumerism*, an invective against advertising, and *The Rise and Fall of Gay Culture*, a highly regarded critique of gay life's assimilation into the mainstream. Harris—taking his cue from Alan Sokal, the physicist whose manuscript of nonsense was published in a critical-theory journal as a legitimate article—once impersonated a queer-theory academic on an Internet mailing list to expose the doctrine's absurdity.

So to call Harris an elitist is not exactly correct. He attacks high and low. And his impatience with memoir came not so much from hating any individual effort. In fact, he likes many memoirs—Mary McCarthy's *Memories of a Catholic Girlhood* and Emily Fox Gordon's *The Mockingbird Years* being just two. His pasquinade's origins come from his exploration of what he calls the memoir culture. "It's become a populist movement, and I don't mean in the last decade," Harris says. "I would say it goes back to the '80s. It is actually considered a form of folk art—you write it and distribute it to family members and friends. It's meant to be inspiring to the next generation. It's also an industry. There are these blank notebooks that are published that you are supposed to fill in every day, and there is also this vast literature on how to write memoir."

Harris sees this as part of a larger cultural problem—the dominance of narrative. "It's not really that the memoir has exploded. It's that there is less tolerance for anything that is not narrative. Every piece of non-fiction these days has an obligation to be told in narrative form. There is no place at all in commercial journalism for writing that is not narrative." As an example, he describes how he wrote a piece about the fantasies of technology. "It was very analytic. It took an object, an artifact, in this case the screen saver, and broke it down. *The New York Times Magazine* liked it, but they wanted me to recast it as a personal narrative—you're sitting in front of the computer, etc."

Harris also objects to the "fictionalization" of serious non-academic prose. Across the social sciences, from history to psychology, characters are a must. A hero is a necessity. Dramatic scenes required. Analysis, Harris notes, is out of style. Harris's memoir of no one in particular has no characters, no plot development, no drama. Its chapter headings are Writing, Dressing, Laughing, Fucking, Moving and Making Faces, Speaking/Listening; Farting, Pooping, Peeing, and Bathing; Cleaning and Decorating; Lying, Reading, Ending. And, it lacks the universal memoir plot: I overcame, I survived.

"I think this memoir is really an embittered attempt to respond to my own marginalization," he says. It is a bear of a read. But like all good satirists, Harris has a point, and maybe even a clue to understanding the memoir movement he spoofs.

The Secret Seller

Harris's opposite is Brendan Halpin. He is a 33-year-old English teacher in Boston. Before he wrote his memoir of his wife's metastatic breast cancer, *It Takes a Worried Man*, another of the new spring releases, his reading tastes were confined to horror and science fiction, "your basic exploding heads and vampires." Halpin's persona is that of a self-deprecating, sit-tight and hang-on honest schmoe. His book is for the reader who likes "this sucks" and video games in his or her introspective accounts of medical catastrophe.

Many blame psychotherapy for the nobody memoir. Halpin would seem to be Exhibit A in such a brief. "I had to write it to stop myself from going insane," he tells me. "Normally, I lean on my wife. She suggested it. It was therapeutic. I definitely felt it gave me some power over the experience of being caught up in a nightmare. I was able to shape the story."

Its publication, in keeping with Daniel Harris's description of memoir culture, came about because Halpin sent chapters to friends. "That's really all I ever thought would happen with it," Halpin says. "I wanted my friends to read it. And it was easier than having to have the same conversation about my wife's progress over and over again. I thought, 'Well, maybe someday I'll get this rejected from eight publishers.'"

One of his friends sent it to a friend who was an agent. He read its first eight or so pages, loved it, and sold it to Villard, a division of Random House, in a week. They liked it, Halpin believes, because "I didn't hide anything." This meant that parents on both sides were hurt, "because I was a dick. They bent over backwards to help and I was a jerk."

This is another oft-discussed feature of the nobody memoir, the pain caused to those still living. The genre demands, as does the therapist, that one tells all, so the therapist can remark, "Well, that's not that bad." Healing supposedly ensues. In the privacy of the therapist's office, anger's expression is encouraged. Healing, again, follows. Except for marital therapy, the loved one can be spared the tell-all and the anger. But in memoir, the loved one is not only told about it, but so is the reading public; and instead of an air-clearing session screamed over the kitchen table, it is preserved in the Library of Congress.

There is another kind of therapeutic transaction here. The reader functions as a group therapy member. Yes, yes, nods the reader listening to Halpin's horrible admission that he thought his wife's death would make him extra-sympathetic, thus getting him laid in a snap. I would feel

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the same way! And without having to pay for group therapy, one gets to know the shameful secrets of others, and can forgive oneself for similar secrets without having to admit them to anyone.

Psychotherapy feels like a contributing factor to the prevalence of the nobody memoir. It offers readymade perspectives that everyone—even video gamers—have breathed in like air. At the same time, the narrowness of the therapeutic requires that the memoirist adhere to certain conventions: brutal honesty and confessions of suffering as well as sins. There is really only one plot as well: the talking cure, in this case the writing cure, heals. Stories of triumph are obligatory.

Maybe the nobody memoir is merely methadone to keep us from the smack of Sally Jesse Raphael.

Tales of a Fourth-Grade Nothing

Therapy is about understanding, or at least recounting, childhood. Perhaps that is why the memoir of childhood is the most common. In my reading, it is the childhood memoir I put down most easily, and must force myself to finish.

Consider, if we must, David Benjamin's *The Life and Times of the Last Kid Picked*: 336 pages of meticulously crafted narrative of boyhood sporting events, with such sentences as, "We just played, a horde of faceless bundles ebbing and flowing across the ice in pursuit of a textured red ball designed for no sport in particular." What does the publisher say about this? "A rousing celebration of the lost art of childhood, this hilarious and charming tale of growing up in a small town in the 1950s is entrancing Americana." Another is *Paperboy*, by Henry Petroski, a civil engineering professor at Duke and author of nine books, among them *The Pencil* and *The Evolution of Useful Things*. A sampling of chapter headings: All You Need Is a Bike, Summer Drizzles In on Long Island, Clothes Can Make or Break the Boy, Ike Praises Newsboys. Says Knopf: "Petroski's book is the story of a happy youth. He was a successful student at a local Catholic school, the product of a loving family, and a good citizen. During school he took a job delivering the *Long Island Press*. From this job he learned valuable lessons about diligence, commitment, labor, and community-mindedness that would help shape him as a man."

Insights, the currency of therapy, flow from these happy narratives, but they feel contrived. And increasing the level of woundedness doesn't help charge up my interest. Yolanda Young's *On Our Way to Beautiful* is about a black southern family with "no decent father," in which "money sometimes ran low." A breakthrough of a sort comes on page 187, when Momma says she does not understand her daughter's yearnings to join a country club by exclaiming, "Who raised you!" This results in the following insight: "Had she really wanted to know, it was not *who* was raising me, but *what* I was being raised on, and I could have told her *The Facts of Life* and *Dif'rent Strokes*. I wanted to be a preppy, with a nickname like Buffy, and with rich people's problems, like whether to hook my leather belt with whales or lobster."

On the same shelf, different race and socioeconomic stratum, Valerie Steiker offers the white Upper East Side childhood—"head to toe Sonia Rykiel," "my first memory of my grandmother is in a hotel room in Cannes," "wearing all black and writing depressing poems," "St. Moritz ostensibly to ski"—and then, in her junior year at Harvard, her mother's death. At the book's close, she attains the insight that, "I was one in a line of dynamic women. I had felt for a long time that they were a part of me. Now I saw that I was equally a part of them, of their legacy, which meant that no matter what happened next, I belonged to a trajectory. My grandmother would always be the difficult one with the great legs, my mother the fantastic one who got away, and I would always be her daughter, even if I didn't have her in my life anymore."

The memoirs I love best are the motley ones that break the rules of narrative and therapy at once. Characters are elliptical—a pox on development! Dramatic scenes are not very dramatic. Redemption and transformation, well, it's a stretch. Still, these memoirists hew, albeit with hopeless ineptitude, to the prevailing strategies and forms. They keep superimposing the narrative and therapeutic conventions, only to have reality refuse to cooperate. Karen Brennan's *Being With Rachel: A Story of Memory and Survival* concerns her daughter's severe brain damage after a motorcycle accident.

Rachel, a formerly foxy and fit long-distance runner, comes out of a long coma with her short-term memory destroyed. The "recovered" Rachel speaks gangsta rap in polite society and sleeps with Hispanic men she can't remember (she retains her pre-accident fluency in Spanish). Loyal mom takes care of her in Nevada, Arizona, and Mexico, having a superlatively awful time of it. Brennan

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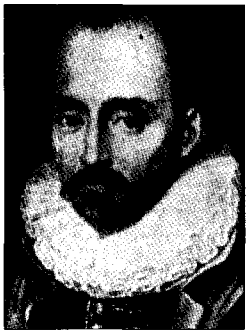
Old School Memoirists

4th c.- St. Augustine's *Confessions*



1595 - Michel de Montaigne's *Essays*

1782 - Jean-Jacques Rousseau's *Confessions*

1908 - Friedrich Nietzsche's *Ecce Homo: How One Becomes What One Is*

pays homage to the survival plot in her subtitle, but the story is not really about survival. It is about diminishment, distilled at the book's end into one of Rachel's journal entries: "I am crying like a small but detailed tree."

I also devoured Susan Parker's *Tumbling After: Pedaling Like Crazy After Life Goes Downhill.* White, middle-class Parker and her husband are hard-core runners, cyclists, mountain climbers, and skiers. Then husband's bicycle accident leaves him a quadriplegic. Parker becomes his fulltime nurse. Outdoorsy friends drift away. Heavy lifting of husband gets heavier. Anal evacuation, rubber-gloved and daily, wears. Then Mrs. Scott, elderly black neighbor of dirigible size and rhinestone sweaters, knocks on the door. Improbably, she helps, and stays around to help more, becoming a constant friend. They hire a live-in aide, Jerry, "a tired old man, slightly overweight, squeezed into a peach-colored polyester-blend suit … a straw cowboy hat in his hand." Parker attempts the sex allotted her with her husband—lowering of nipples onto his mouth—and neither of them much like it. Solution? Sleeping with Jerry. The "family" expands to include a Tibetan refugee named Harka, who moves in as "an extra pair of hands," (but not in bed). The writing is not atrocious, but neither is it literary. Think *Redbook.* The plot goes off course from the transformation theme: Things get worse and things get better at the same time.

Origins of a Species

While writing began around 3200 B.C., telling stories can be traced back only to Hindu sacred writings, known as the Veda, around 1400 B.C. Next came Homer's *Iliad* and *Odyssey*, in 800 B.C. Greece, clearly an epic, not a novel, but nonetheless a story, albeit one told in verse. The earliest manuscript of the Old Testament—rich in stories—dates to 150 B.C. Ancient novels beginning in the 1st century B.C. were either fantastic—Lucian's *The Golden Ass* tells of a man who turns into a donkey and back into a man—or implausible romantic adventures, such as Chariton's *Chaereas and Callirhoe.*

The first realistic novel ever is often considered to be an 11th century Japanese text about court life, *The Tale of Genji.* In the 13th century, French troubadours wrote love-thwarted tales in a poetry-prose mix. The genre advanced a little further, eschewing poetry altogether in 17th century France with Madeleine de Scudery's *Artamene* and Madame de Lafayette's *La Princesse de Cleves*, both romantic intrigues of aristocrats.

Then, in the 18th century, Defoe, Richardson, and Fielding overthrew the romance and the aristocrats by writing fiction about a thief, a bed-hopper, and a hypocrite. It was called the novel. It featured verisimilitude, the unfolding of individual experience over time, causality, and character development.

After Freud and Einstein unleashed their discoveries, the novel retreated from narrative, poetry retreated from rhyme, and art retreated from the representational into the abstract. But today, the novel is capacious; and novelists write narrative, stream of conscience, dreamscapes, magic.

The first memoir appears around the same time as the ancient novels, but with different aims. Augustine, a worldly, psychologically complex man educated in Carthage and Rome, wrote the *Confessions* in the 4th century. He writes of stealing pears as a boy, bedding women as a young man, and other transgressions, chief among them his scorn for the Bible and Christ. His memoir addresses God, retelling his life through the prism of his newfound faith, reflecting on his sins, begging forgiveness. For centuries, this tradition—prayerful entreaty and inventory of sins—excused the vanity of writing about oneself.

During the Renaissance, a hybrid memoir also came into view with a more nuanced relation to the divine. Montaigne's *Essays* of 1595 were not confessional. Nor were mathematician Pascal's *Pensées* of 1658. Pascal's famous wager—"If God does not exist, one will lose nothing by believing in him, while if he does exist, one will lose

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everything by not believing"—shows how Enlightenment skepticism had changed memoir's plot and purpose. Memoir was becoming an attempt to know not what one *should* know, but what one *could* know.

By the time of Rousseau's *Confessions* in 1782, the memoir had become a mimetic narrative; the plot as meandering as life, the reckoning with God, one of many reckonings. Ten years later, the first American memoir—Benjamin Franklin's—was published in Paris, and it brought still another innovation: humor. Franklin opens with the shrewd observation that memoir is an exercise in vanity, then goes on to disrupt centuries of false piety by writing, "I scarce ever heard or saw the introductory words, 'Without vanity I may say,' &c., but some vain thing immediately followed. Most people dislike vanity in others, whatever share they have of it themselves; but I give it fair quarter wherever I meet with it, being persuaded that it is often productive of good to the possessor, and to others that are within his sphere of action; and therefore, in many cases, it would not be altogether absurd if a man were to thank God for his vanity among the other comforts of life." With the 1908 publication of Nietzsche's *Ecce Homo: How One Becomes What One Is*, memoir seemed to have expunged God for good.

Both genres, grossly simplified, move down the ladder of being in terms of subject matter: the divine, the powerful, the aristocrats, the everyman. But memoir, it seems to me, is still at an earlier stage compared to the novel. It is back there in the novel's 18th century. It's no longer in thrall to important personages and aristocrats. It has taken up with commoners. But unlike the novel of that period, it is still in a rather prissy place, despite all the protestations about its voyeuristic sexual revelation. No thieves allowed. No customers of streetwalkers. A memoir of a hypocrite—no way. The dominance of the psychotherapeutic has cornered memoir into childhoods, physical catastrophe, and mental affliction. Stuck with only narrative, memoir hasn't even approached the novel's mature abundance in which all conventions of storytelling are viable, all kinds of ordering of the chaos are acceptable. Memoir is a toddler of a genre.

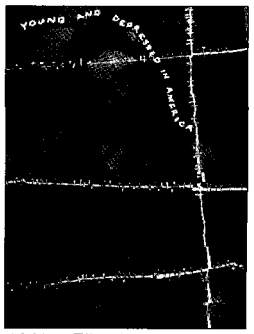
Growing Up

My favorite nobody memoir is Leon Wieseltier's *Kaddish*. To be fair, Wieseltier is not a bonafide nobody. As the literary editor of *The New Republic* he is an important figure in intellectual and literary circles. But his memoir has nothing to do with that privileged position. He takes up a typical nobody subject: the death of his father. More precisely, he writes of his adherence to the year-long Jewish ritual that includes a daily recitation of the mourner's kaddish, or prayer, at synagogue. This chronicle is only partially of characters and places. It is mostly a narrative of an inner state, but unlike *Finnegan's Wake*, it is spoken in an intelligible prose.

It is also unafraid of using a vocabulary commensurate with the sophistication of its thought. It tells of studying the kaddish ritual, a bookish meandering both exhausting and nourishing. It tells of doubt, but not with the concision and disembodiment of philosophy. It tells of pain, but not through psychotherapeutic plotlines. It considers faith, turning it over and over, in a secular age. For me, it is a mind in search of itself, told in words, bettering the revelations of music or art because it can be intimately understood, not just felt. It breaks a cardinal rule of narrative, writing workshops, and contemporary non-fiction editing: Show, Don't Tell. Wieseltier shows little and reveals so much more.

Kaddish is that rare work, like *Moll Flanders*, that breaks with many conventions. Some such breaks go nowhere. They exist as curiosities, resistant to the historian's love of grouping works and men and events into cohesive eras. But sometimes they can herald change. Here in memoir's preschool, trapped with the same old toys, we see where we are, and how we got here, and one of us, Daniel Harris, is making fun of us. Maybe not this spring, but soon, as Sam Cooke sang, "a change is gonna come." ●

New-wave Navel-Gazers



1997 - Elizabeth Wurtzel's *Prozac Nation*

1998 - Mary Karr's *The Liar's Club: A Memoir*

1999 - Frank McCourt's *Angela's Ashes*

2002 - Brendan Halpin's *It Takes A Worried Man: A Memoir*

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The Majesty of the Commons

Will an ever-expanding market kill prosperity?

BY JONATHAN ROWE

SAY WE WAKE UP ONE MORNING AND DISCOVER we'll be getting a new bill each month—for air. The Bush administration has decided to privatize the air; corporations will now own it and charge for its use.

Lawrence Lindsey, the White House economic advisor, hails the move as a "potent stimulus" and a big boost for the GDP. Alan Greenspan offers assurances that any inflationary effects will be minor. The rest of us, meanwhile, would feel stunned, and violated in a way that would be hard to express. Pay for air? What gives them the right to do that? The air is ours, isn't it? But what exactly would we mean by that?

SILENT THEFT:
The Private Plunder of Our Public Lands
by David Bollier
Routledge, $26.00

The question is not fantasy. In recent decades, the market has been penetrating into realms previously thought off-limits. It is claiming every last inch of physical and psychological space, from the outer reaches of the solar system to the most intimate interiors of daily experience. Billboards in the heavens, pharmaceutical manipulation of thoughts and moods—through genetic engineering, corporations even are claiming ownership to the genetic code of life itself. If life, then why not the air that sustains life?

The train is coming. So it's a good time to pause and ask some basic questions, and that's what David Bollier has done in *Silent Theft: The Private Plunder of Our Common Wealth*. The title might sound hyperbolic, but it is apt. The process Bollier describes is everywhere but rarely noticed. The lens through which the nation's opinion establishment views the world—the lens of conventional economics—covers the process with a gauzy and romantic haze. The market is "expanding." That's "growth" and therefore automatically good.

What the market is expanding into, and the consequences of such expansion, barely get a second thought. The process is theft, moreover, because it involves the commandeering of wealth and not just the creation of it. Who owns the genetic materials that pharmaceutical companies are taking and patenting from native cultures? Who owns the atmosphere that polluters use as a dump? Who owns the quiet that cell phones take from us on the subways, or the civic spaces that get branded with corporate names?

Such things are expropriation by market means. They are takings; and that the keepers of high-level opinion do not see this—that they persist in viewing the concept of "taking" as only what government does, and not what corporations sometime do as well—is part of why a book like *Silent Theft* is necessary.

The book is not just another denunciation of corporate abuse. It is not a call for more and bigger government, nor a tract against growth. To the contrary, it reveals a pattern that should alarm the staunchest capitalist: that continued encroachment of this kind could destroy the sources of our future prosperity and well-being.

Silent Theft raises the kinds of questions that Washington typically represses. Is the continued extension of the market in time and space truly the path to human happiness, always and forever? Is the only alternative

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what *The Wall Street Journal* editorial page says it is—an all-encompassing Soviet-style state? Perhaps most important, is it really true that what lies outside the market has no real value until corralled within it; that the market improves and adds value to everything it touches?

Most Americans probably would answer "No." Yet the belief is a bedrock economic assumption, the subtext of virtually all economic reporting and commentary "The rhetoric of the market presumes that everything should be ... bought, sold and owned," Bollier observes. And this, he contends, is wrong. Sometimes it is better to leave things alone, or to encourage their development in ways that are outside both the market and governmental spheres.

To put this another way, the instinctive worry about such things as patenting the gene pool or privatizing the air does not come solely from nostalgia or a weak-kneed fear of change. It comes also from a sense that something is missing from the mainstream mental map, something that such moves violate. There is a realm of reality and value, a process of wealth creation, that the map does not acknowledge, and the destruction of which it actively promotes. That realm is the commons, which is the part of life that is neither market nor state but rather is the shared heritage of us all.

Don't Fence Me In

Bollier is a senior fellow at the Norman Lear Center at the University of Southern California, and until recently was a project director at the New America Foundation. He also is a friend, and I've discussed the themes of *Silent Theft* with him. So discount this if you will, but I think the book broaches issues that very likely are going to drive the next big turn of the political wheel.

There have been a number of books on the concept of the commons in recent years, most on the enclosure of cyberspace and of the domain of human creativity and innovation. My colleague Peter Barnes has proposed in his book, *Who Owns The Sky?*, a solution to global warming based on the reality that the sky is a commons and therefore belongs to all of us. Bollier provides a larger context. The story begins about 500 years ago, when much of the land in England and Europe still was held in common. Ordinary people had the right to graze their cattle and grow their crops on common lands, even though they did not technically own them. The courts recognized their right to do this. It was a property right, which people took for granted, much as we take for granted the right to breathe the air.

But the English Parliament had other ideas. In a massive project of social engineering, Parliament passed the Enclosure Acts, which stripped the commoners of their property rights and delivered the lands to individual, usually wealthy landowners. (By 1895, about half of one percent of the population of England and Wales owned almost 99 percent of the land.) Thus was born the market on a national scale. Land became a commodity—real estate—and commoners became commodities too, in the form of workers in a "labor market." Something people once thought was theirs suddenly was someone else's.

Parliament could have dealt more justly with the commoners. It could have given them pieces of what was theirs, and prevented the dislocations and wretched conditions that awaited them in the cities. Still, undeniably, the enclosures set loose enormous industrial energies that eventually lifted the material lives of most people. Few today would want to live like 16th-century peasants.

But in recent decades, the process of market enclosure has shifted into a new phase, less brutally wrenching but with ominous implications. The market, once discrete in time and place, has grown to encompass nearly all space, 24/7. People feel hemmed in and under siege. From the commercial invasion of childhood, to the telemarketers who call during the dinner hour, to the congestion, noise, sprawl, and sheer overload that increasingly define our lives, market encroachment into once-sacrosanct areas of life is emerging as the sleeper political issue of the early 21st century.

Bollier, whose previous work was on sprawl, connects the dots between issues that typically are regarded as separate. The concentration of the media and journalistic information is much like the concentration of the seed industry and genetic information. AOL's "Walled Garden" on the Web is much like the shopping malls that have displaced the civic commons of Main Streets. The pollution in the physical atmosphere is much like the commercial clutter that fills our waking moments. There's a pattern here: the destruction of the commons in all its many forms

Bollier puts to rest the myths that have prevented people from taking the commons seriously. The first is that a commons is inherently "tragic"—that without a regime of private ownership a resource falls inevitably into overuse and decay. The tragedy thesis is rote to first-year economics students. It demonstrates the strange power of economic bromide to numb the capacity to observe ordinary experience. I mean, can anyone argue seriously that Saturday morning television, which is a private-property regime imposed upon a commons, the broadcast spectrum rights that government has ceded to the big media companies, has resulted in a wise productive use of this resource? The hundreds of Superfund sites around the country, the clear-cuts and strip mines, suggest the limits of the ability of private property to pre-

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vent overuse and decay.

One could argue equally for a tragedy of the privates. But more to the present point, commons work wonderfully all the time, especially at the local level where they become extensions—and generators—of a social structure. Bollier cites a multitude of examples, such as the parks and community gardens in New York and other cities. The gardens thrive "precisely because they are not governed by the market or the government," he says.

Of course, the tragedy thesis is not entirely wrong. Sometimes what belongs to everybody really does belong to nobody, as the old saying goes. This happens especially with large abstracted commons that exist outside a local social structure, such as ocean fisheries and the earth's atmosphere. But the problem in such cases is not the commons per se. Rather, it is the lack of an effective structure for management and use. As Bollier observes, a Central Park is splendid given such a structure. So, too, are public libraries. They are commons governed by a set of rules. Absent such rules, even private property is prone to abuse, as a trip through the strip mine country in West Virginia, or along many Route Ones, would amply demonstrate.

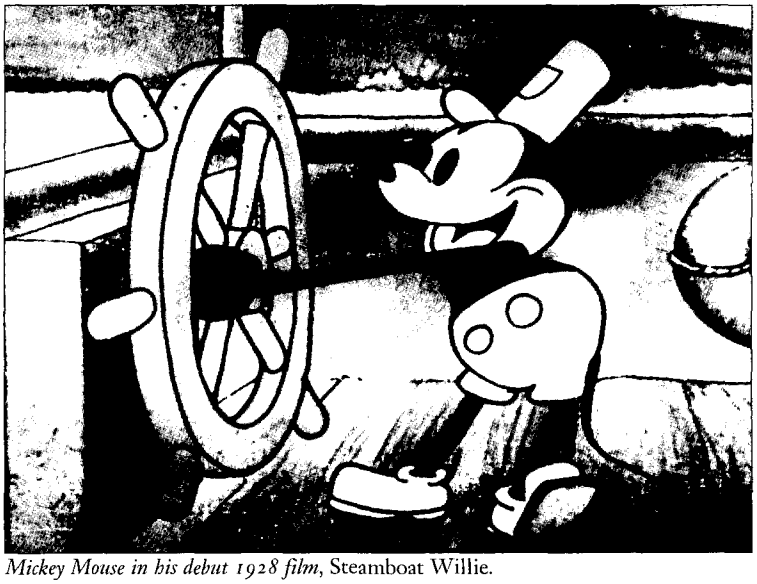
Free Mickey Mouse

Even hypothetically, the tragedy myth applies only to a particular kind of commons—those involving finite material resources. (Grazing lands are the standard example.) The theory has no relevance at all to commons that are without boundaries or limits, such as language, knowledge, and networks such as the Internet. People don't deplete the language by speaking it; they don't exhaust the Internet by using it. To the contrary, these grow richer when more partake. "The grass grows taller when it's grazed on," one computer programmer observed.

To cope with this awkward fact, interest groups have turned the tragedy argument upside down. In the case of invention, entertainment, and the like, they argue, private property rights are essential not to limit use but rather to bestir creation of the resource itself—not to protect the grass but to make it grow. In practice, this has meant increasing enclosure of the domain of knowledge and invention, through expansion of the copyright and patent laws. It also has meant secret proprietary software code and fencing of the open spaces on the World Wide Web. Usually, the result has been what one writer called the "tragedy of the anti-commons"—discouraging the increase in knowledge by constricting its flow.

Intellectual property is Bolllier's forte, and these are the strongest sections of *Silent Theft*. He tells, for example, of the Bayh-Dole Act of 1980, which permitted private interests to get patents on research that taxpayers pay for. The law was supposed to provide an "incentive" for useful new discovery. But the lure of patent riches has skewed research agendas. Researchers don't want to talk to one another for fear of revealing proprietary secrets. A quagmire of competing patent claims is starting to impede development rather than encourage it; one new strain of virus-resistant rice can't be sold because of necessary approvals from as many as 34 different patent holders. The system is gagging on its own self-seeking. Meanwhile, the culture of the university that has spawned so much innovation and discovery is drying up.

In copyright, meanwhile, the situation has become ridiculous. Congress has extended the term of copyright continuously over the last 50 years, often just as Disney's Mickey Mouse was about to enter the public domain. The most recent of these extensions was in 1998; for corporations it's now 70 years. Disney and others argue that this extension is necessary incentive for artistic creation. Yet if we really were serious about bestirring creativity, wouldn't we let Mickey Mouse enter the public domain so that Time Warner and Disney would have to create something new?



Mickey Mouse in his debut 1928 film, Steamboat Willie.

Bollier's point is not that copyright is bad. Rather, like the market generally, it's a useful thing that becomes bad when pushed too far. The purpose of the government-bestowed monopoly called copyright is to enrich the public domain—the cultural commons. That's what Jefferson said and what the Constitution still says. The deal was this: grant authors a monopoly for a limited time, and then set the work free so

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it can feed the work of others. It's a form of intellectual ecology; the seed dies to live. By contrast, the continual expansions of copyright have had an opposite effect. They starve the soil for the sake of a few big plants.

And for what? The cultural commons has flourished for eons without the "incentive" of a property regime. Folklore, fairy tales, language, and song—these all evolved without the help of copyright or patent lawyers. If the incentive school were right, there would be today no musical scales, no medieval cathedrals or Gregorian chant, no *Odyssey* or Chinese cooking. Willie Mays never would have developed his basket catch, Bill Walsh the West Coast offense. Why bother to innovate, if others could copy you and not pay a cent in royalties?

If we were serious about bestirring creativity, wouldn't we let Mickey Mouse enter the public domain so that Time Warner and Disney would have to create something new?

Creation and innovation are social and cultural activities as well as individual ones. They spring often from sources that the conventional economic model simply does not grasp. This is so even in realms of technology that today are hyperventilating with greed. Neither Albert Sabin nor Jonas Salk got patents for their pioneering work on polio vaccines, Bollier observes. He quotes Charles Ferguson, a high-tech entrepreneur: "Virtually all of the critical technologies in the Internet and Web revolutions were developed between 1967 and 1993 by government research agencies and/or in universities."

It's still the case today that some of the most valuable technological innovation is occurring outside the market. Behemoth phone and cable TV companies, with their government-granted monopolies, are flummoxed about how to provide superfast broadband Internet access to the masses at a price people are willing to pay. Underground entrepreneurs, meanwhile, have figured it out. They are delivering cheap, efficient broadband to their friends and neighbors wirelessly, via a small piece of unlicensed spectrum—a perfect illustration of a 21st-century commons in action (see "The Broadband Militia," March 2002). Then, of course, there's Linux, the computer operating system far superior to Windows and that has emerged through a cyber-commons on the Web. Linux evolves the way nature does, through constant correction and adaptation. Hackers all over the world fix problems, make improvements, and share these with other users, all without proprietary interest or pay. Compare that to Microsoft with its Kremlinesque secrecy and top-down control of every innovation—innovations that serve the corporation's strategies for market dominance as much as the users' real needs. This doesn't mean that "intellectual property" and high-tech enterprise are not good ideas. It does mean that the commons is the mother lode, and if the market continues to enclose it, the lode eventually will run dry.

Silent Theft makes clear that the commons is not the subordinate reality that the economics textbooks portray it to be. It is not a kind of economic primal sludge that awaits the vivifying hand of the market to attain reality and life. The commons, rather, is a parallel economy. It does real work and often the most important work. Bollier cites one estimate that the resources of nature—air, water, forests and the rest—are worth more than the GDP of the entire world. That's not even counting the services of the many forms of social commons, from universities and libraries to languages and Main Streets.

Yet the conventional economic mind is practically oblivious to this wealth and productivity. It sees primarily the portion of economic reality that is transacted through money, so the commons doesn't register at all. Worse, this mind counts the destruction of the commons as economic growth and gain. When kids buy video games (or, more accurately, their parents buy them) instead of making up their own games on the playground, the GDP goes up. When pollution fills the air and people need medical treatment, it goes up more.

Silent Theft confirms the brooding sense, shared by many, of a system out of control. The forces behind this omnivorous enclosure are not small. Yet there are signs of resistance, too. Parents are rising up against the commercial invasion of their kids' classrooms. The New Urbanism is advancing ways to reclaim the civic commons of street life and traditional Main Streets. When *The Denver Post* vowed to continue calling the local football stadium "Mile High Stadium" instead of Invesco Field, it was nailing a declaration to the corporate door. One hopes others will follow.

That people are even thinking along these lines is a good sign. Enclosure is complete when we no longer are aware of it. The lingering memory of life outside the fences means there's still hope of tearing them down. We can thank David Bollier for giving shape to this memory and making it more real. ●

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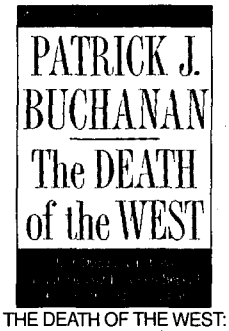
"There's A Right! And Another Right!"

Pat Buchanan's Latest Attempt at a Culture War

BY JAMIE MALANOWSKI

THERE IS AT LEAST A SMALL WAY IN which every person who read Patrick Buchanan's memoir *Right From the Start*, regardless of political persuasion, regrets that Buchanan has never become president. In that book, Buchanan, with oblivious candor, proudly explains how he brawled his way through his Catholic Washington, D.C., boyhood, up to and including duking it out (unprofitably) with police officers while in college. The pure entertainment value of having a quick-fisted chief executive who could greet an impertinent question from Helen Thomas or a sadly sighed critique from Dick Gephardt with two jabs and a snappy right cross would more than compensate for the ensuing hullabaloo.



THE DEATH OF THE WEST: How Dying Populations and Immigrant Invasions Imperil Our Country and Civilization
by Patrick J. Buchanan
Dunne Books, $25.05

Alas, young men mature, and find higher purposes for their energy. Buchanan has channeled his fondness for fisticuffs into writing, and as a result, he possesses an almost perfectly pugilistic writing style. This does endow his prose with a certain power. At the same time, reading more than three pages of him at any one stretch leaves one feeling sore, exhausted, and aggrieved, rather like one who has attended a child's birthday party in the role of pinata.

Buchanan's new book, *The Death of the West*—no namby-pamby Spenglerian "Decline" for Pat, he's talking lights out—is essentially his familiar Trouble Right Here In River City spiel, attached this time to a mass of demographic data about the aging populations of Europe and North America. These are not new findings; anyone who's read Peter Peterson's *Gray Dawn*, for example, is well acquainted with the chilly, immutable facts about the large, aging Baby Boom cohort and the declining birthrate. This 'Pig in the Middle' phenomenon—demographers describe watching the bulging Baby Boom bunch moving through their demographic charts as like watching a pig move down the gullet of a python—is going to confront us with the problem of too many unproductive old people sopping up the resources of too few workers.

Peterson and other commentators have presented this as primarily an economic problem. Buchanan portrays it as a cultural crisis. He sees America and the other Western nations as erasing themselves from the face of the earth by a failure to multiply, leaving the planet under the control of fecund, illiberal, anti-American Third Worlders. Buchanan believes that these people are coming to America and Europe, and, while ostensibly serving our interests by managing our 7-11s and writing our computer game code, are actually planning to overwhelm us and replace our values with whatever life-is-cheap thinking currently dominates their native regions.

Essentially, Buchanan sees us as going to hell in a tortilla basket. As an analysis, it generally calls to mind a 1921 debate recounted in Roy Jenkins's new biography of Winston Churchill in which Lord Beaverbrook dismisses a colleague's speech by saying, "As for the speech of Lord Carson, as a constructive effort at statecraft, it would have been immature on the lips of an hysterical schoolgirl."

It's not that Buchanan doesn't make any good points; in any melee, any palooka with a wild swing is bound to land a punch or two. The demographic crisis is going to

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pose real challenges and cause real pain; and there is no guarantee it will not damage us, and we had better start thinking about it. One way in which we will almost certainly seek to maintain a sufficiently large and sustainable productive workforce will be to encourage immigration. We have had a long and successful history of immigration, but not without conflict, and there is no guarantee we aren't going to have more problems, and it certainly won't guarantee that we'll solve them. After September 11, no one can rest assured that every Tom, Dick, or Mohammed Atta who comes over here is going to fall in love with our values, fast-food restaurants, and entertaining television programs. Buchanan is most persuasive when he looks at immigration in the Southwest, both legal and illegal, and argues that we may in effect be allowing a Mexican colony to develop that may pose a sizable political problem. Of course, he doesn't say "sizable political problem"; he says catastrophe.

Buchanan, like a lot of conservatives, makes other points that make a mushy liberal like me uncomfortable. He is obsessed with the repurcussions of the sexual revolution and its creation of a sex-obsessed society of freedom-loving liberals. "Sex and the City" is an entertaining show and sexual freedom is a good thing, but golly, there does come a point when guys and girls should put away their martini glasses and start running the PTA. But the reason it's so easy to dismiss Buchanan is that his arguments so conspicuously lack rigor. He is, for example, an ardent apologist for Robert E. Lee, regarding him and other Confederates as American heroes. Well, okay, but elsewhere he objects to those who criticize the West for having been a slaveholding society by pointing out that the West didn't start slavery, but it did end it (nevermind Lee's exertions to the contrary). With Olga Korbut-like dexterity, Buchanan can twist his position in whatever compartment he needs it to be in. But at the same time, when people on the left compartmentalize and see only the good in someone like Jesse Jackson, Buchanan accuses them of corrupted thinking.

He rightly objects when people on the left accuse conservatives of being Nazis or fascists, but he seems oblivious to how his entire book portrays anyone who disagrees with him as anti-American and worse. (For someone who is such a resourceful apologist, Buchanan is a pathetic apologizer. He writes: "There is truth in the indictment of America's past. Our fathers did participate in slavery. We did practice segregation. Our treatment of the Indians was not what one should have expected of people to whom the Sermon on the Mount was a divine command." Really? Jesus never said, "Blessed are the ethnic cleansers"?)

There's more. Buchanan argues that the entertainment industry is a prime cause of a decline of values, then, evidencing no symptom of whiplash, praises Hollywood for producing *Gladiator*, *The Patriot*, and *Thirteen Days*. He stresses that birthrates are highest in parts of the world where people are most religious; he does-

"Pitchfork" Pat.

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n't entertain the possibility that these might also be the places where women endure the lowest standing. He describes the time when women stayed home and raised big families as a golden age, never wondering why free, educated, intelligent couples might choose to have fewer kids. (As a father of two, believe me, I have a list.) At one point he quotes a Japanese journalist saying of declining birth rates, "Until [politicians] create a society in which women feel comfortable having children and working, Japan will be destroyed in a matter of 50 or 100 years." Instead of engaging that observation—which would seem crucial to the crisis he's describing and thus his prime political task—Buchanan spends his book hammering liberals like Maxine Waters and Susan Sontag and Strobe Talbott as though he were John Wayne body slamming Victor McLaughlen over the face of Ireland in the last act of *The Quiet Man.* Instead of taking on what would appear to be the chief political question of the crisis, he ignores it, and baits these toothless tigers instead.

Barry Goldwater, one of Buchanan's heroes, once said, "I'd rather be right than president." Buchanan would rather fight than persuade. A lot of people share his concerns, though not all to the same degree. They are people who want to preserve and extend a culture. Buchanan wants to fight a culture war. It is that bellicosity, that insistence on attaining unconditional surrender, that marginalizes him. ●

The Washington Monthly's Monthly Journalism Award

Brendan I. Koerner

"Onward, Christian Moguls"

The American Prospect, January 1, 2002

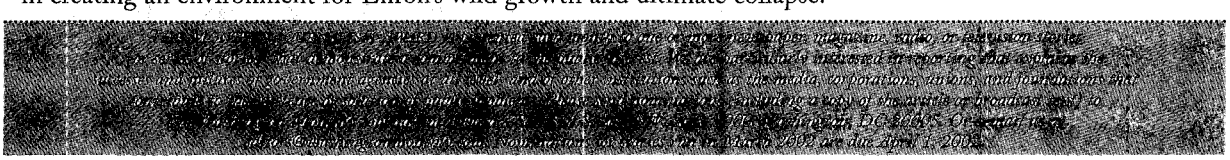
In what Arizona Sen. John McCain has called "one of the greatest scams in American history," the Telecommunications Act of 1996 granted every TV station in the country an extra six megahertz of free broadcasting spectrum, with the understanding that the networks would convert it to digital broadcasting. The broadcasters have not lived up to their end of the bargain. Instead of converting the spectrum to digital, Koerner reports, an alliance of UHF channels—home to televangelists and home-shopping networks—has brokered a deal with the Federal Communications Commission (FCC) and its chairman, Michael Powell, to auction off their free spectrum to cell-phone and other wireless companies. The broadcasters, who paid nothing for the government-issued spectrum, will receive 66 cents of every dollar bid. Koerner estimates that the deal will net the broadcasters upwards of $30 billion.

Richard A. Oppel and Kurt Eichenwald

"Enron's Many Strands"

The New York Times, January & February 2002

In the first national series on the downfall of Enron, Oppel and Eichenwald deconstructed the many swindles, dupes, and personalities surrounding Enron's bankruptcy. They covered topics as varied as the impartiality of research analysts seeking investment-banking contracts on Wall Street, Enron's now-familiar off-shore loan arrangements, and former Enron treasurer Ben Gilsian, Jr.'s cooperation with federal authorities. Enron's collapse has generated much good reporting from papers across the country. But Eichenwald and Oppel stand out for their ability to explain complicated business dealings to lay readers and show the role government played in creating an environment for Enron's wild growth and ultimate collapse.



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Political Booknotes

Clinton Agonistes

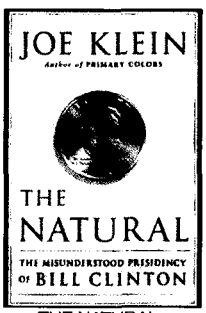
By Kenneth S. Baer

"JACK STANTON COULD ALSO BE A great man—if he weren't such a faithless, thoughtless, disorganized, undisciplined shit."—*Primary Colors*

For critics across the political spectrum, Joe Klein's character's assessment of the fictional governor of a small Southern state (who, in the film version of *Primary Colors*, did go on to win the White House) summed up the Clinton presidency even before Monica Lewinsky.

Liberals thought he was faithless for his stances on deficit reduction, trade, and welfare reform. New Democrats thought he was, at the very least, undisciplined (and feared he was faithless), as his obsession with a cabinet that "looked like America," focus on gays in the military, and health-care fiasco defined his first two years in office. And conservatives never once doubted Klein's evaluation, taking exception only with the contention that Bill Clinton could ever be a "great man."

Klein, a longtime Clinton-watcher and often Clinton fan, now offers a reassessment in his first nonfiction book about the Arkansas enigma, *The Natural: The Misunderstood Presidency of Bill Clinton*. A half-dozen years after *Primary Colors*—after a second Clinton term, an impeachment, the failure of his vice president to succeed him, the last-minute pardons, and the attacks of September 11—Klein now argues that, despite his personal failings, Clinton "had run a serious, disciplined, responsible presidency." He had a coherent political vision, real policy accomplishments, and put the country in place to weather and master the transformation to the Information Age.



THE NATURAL:
The Misunderstood Presidency
of Bill Clinton
by Joe Klein
Doubleday, $22.95

Yet the disappointment lingers, but of a different kind. Even those close to the former president would admit to wondering what might have been if Clinton had been able to keep his libido in check. But in the aftermath of September 11, Klein gives voice to another regret: that this immense talent—this "natural"—"had the misfortune to serve at a time when greatness wasn't required." It's as if Michael Jordan was stuck playing in the CBA.

The Natural is no dense account of Clinton's eight years in office. Rather, Klein offers a superbly written, smart, and concise meditation on the Clinton era. For those who lived through those years, Klein's book is a welcome first volley in the battle to explain the Clinton legacy.

Klein reminds skeptics that Clinton was at the vanguard of a Democratic political and policy renaissance that not only revived the party's electoral fortunes, but also rejuvenated American progressivism. The New Democratic public philosophy and its mantra of "opportunity, responsibility, and community" may now seem stale. But in 1991, it was not only fresh, it was controversial.

Indeed, only a politician of Clinton's immense talents and equally unique political pedigree (Southern bubba, Rhodes Scholar McGovernik, New Democratic policy wonk) may have been able to run and win the party's presidential nomination as a New Democrat. And despite some very obvious wavering, Klein argues, Clinton was remarkably persistent in executing his vision.

Contrary to the account in Bob Woodward's *The Agenda*, Clinton was not tortured over which way to take his economic policy in 1993. If you look at who composed his economic team, it's clear that Clinton was a deficit hawk, and, throughout a difficult budget process, remained one.

He was also remarkably consistent—and dare I say principled—in his bailout of the Mexican peso, his resolve during the government shutdown, his promotion of tolerance and diversity; and in establishing Americorps, expanding access to higher education, and signing a welfare reform bill. To reinforce this well-known list, Klein rescues an overlooked part of the Clinton legacy: his monumental efforts to improve the lives of the working poor through the massive expansion of the Earned Income Tax Credit; increases to Head Start, child care, after-school care; and the CHIP program that brought healthcare to the children of the working poor.

Despite these accomplishments and his unmatched political talents, Clinton was the right man for the wrong time. One of Klein's most useful and insightful chapters is not about Clinton at all, but an excellent explanation of the institutional changes and forces that produced the highly charged, inquisitorial politics of the past three decades. The Clinton scandals were but another battle in these ethics wars, and the conflict escalated as each apparent scandal fed the First Couple's mistrust of the media, eventually climaxing with impeachment.

But Klein is no knee-jerk apologist for Clinton, blaming his bouts with scandal on the media or the Republican Party. Instead, Klein sees the visceral hatred and tortured ambivalence that parts of the country felt toward Clinton as rooted in Baby Boomer self-loathing: "Bill Clinton often seemed the apotheosis of his generation's alleged sins: the moral relativism, the tendency to pay more attention to marketing than to substance, the solipsistic callowness."

Clinton and the Baby Boomers wanted to be great, yet they were cursed with never being tested. (Klein ignores the courage so many of his cohorts showed in the streets of Selma and the rice paddies of Vietnam.) In passages undoubtedly written after September 11, Klein waxes elegiac about the sins of postwar opulence and the cruel irony that the one Boomer confronted with the challenge to lead the nation at a time of crisis pales in

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comparison to the larger-than-life Clinton.

And perhaps that is what has led Klein to this reassessment. In the end, he realized it's nothing but a twist of fate that Bill Clinton—like Jack Stanton—may never be a great man.

KENNETH S. BAER, *former senior speechwriter to Vice President Al Gore, is the author of* Reinventing Democrats: The Politics of Liberalism from Reagan to Clinton.

Net Loss

By Nicholas Thompson

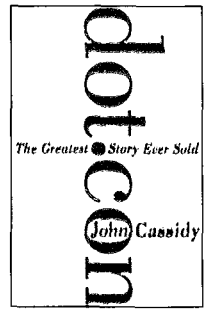
JOHN CASSIDY PROBABLY SET OUT to write the first really readable, definitive history of the Internet: from the wild levers of early punch-card machines to the glorious late '90s, when you could log onto Kozmo.com, order a pint of ice cream or an old comic book, and get it delivered in minutes for free.

Cassidy earns his keep writing for *The New Yorker*; and, as with many of the narrative pieces in that magazine, *Dot.con* starts out with a time, a place, and an important person you don't know much about. In this instance, it's Vannevar Bush, father of the National Science Foundation (NSF), and his World War II dream of using computers to organize massive amounts of information with links mimicking the way our minds associate. As Cassidy explains, Bush didn't accomplish his ultimate goal, but he did kick-start the research that would lead to the Internet and then the World Wide Web.

Cassidy then does a good job of describing the extraordinary moment, right before the Internet boom, when hordes of people foresaw amazing things happening with information technology but few actually had any clue how it would really work. Time Warner, for instance, spent about $150 million trying to build a network of television sets in Florida in the early '90s, and Bill Gates barely mentioned the Internet in the first edition of his 1995 book *The Road Ahead.*

Soon, however, Netscape Navigator emerged and the Internet and the Web began to grow exponentially, along with the number of users, the wild prognostications about its importance, the number of pimpled millionaires it created, and so on. At about this point in the tale, though, Cassidy leaves the narrative track and begins to push the theory that comprises his title: *Dot.con, The Greatest Story Ever Sold.*

Cassidy's theory is that the Internet stock boom wasn't just a Ponzi scheme inadvertently created out of exuberance for a remarkable new technology. It was a Ponzi scheme maliciously created by a selfishly-motivated cabal of journalists, analysts, investors, politicians, entrepreneurs, and others. This "unscrupulous alliance helped turn an exciting technological development into a dangerous speculative bubble."



DOT.CON:
The Greatest Story Ever Sold
by John Cassidy
HarperCollins, $25.95

Perhaps the best example of the lunacy came in 1999 when 3Com spun Palm Computing off as a subsidiary. Palm's stock spiked upwards, and its market value soon dwarfed 3Com's, even though 3Com controlled 95 percent of Palm's stock.

Cassidy is also right to argue that many of the rowdiest boosters were utterly compromised. His principal villain is Mary Meeker, a 35-year-old Morgan Stanley analyst who constantly unleashed wildly optimistic predictions for financial success for companies that she must have recognized as dogs. Meeker did this partly because she also needed to recruit new companies to use Morgan Stanley for their IPOs.

Cassidy also sticks it to Alan Greenspan for not deflating the market earlier, and pillories journalists for their relentless Internet jabber. He writes: "Trapped in the logic of herd behavior, Wall Street will inevitably keep inflating the bubble until it bursts. It is up to journalists and government officials to try to maintain sanity, but in this case neither proved up to the task."

Ultimately, though, Cassidy's thesis seems stale, and it's hard to find the new "con." Everybody knew at the time that Meeker and company were conflicted, and that venture capitalists and entrepreneurs would want stratospheric stock prices forever. Many investors also knew that they weren't buying pieces of solid companies; they knew a collapse could come and wanted only to try to sell to the next yet bigger fool.

Cassidy could have made an interesting case if he had dug up new facts or shown that people like Meeker were intentionally duping the masses, not just predicting that prices would go up—because, well, they *did* just keep going up. But Cassidy seems to have done little new reporting. If you didn't believe that the Internet bubble was really "the greatest story ever sold" on page one, you probably won't believe it on page 325. As for Greenspan and journalists, Cassidy is partly right. But he vastly understates the Internet's importance, and thus Greenspan's rationality in taking it slow, as well as journalists' rationality in writing optimistic forward-looking stories. To Cassidy, the Internet boom was pretty much all a ruse. After negatively comparing the Internet to indoor plumbing, he scoffs that the "Internet hasn't made people live longer, changed where they live, or made it any easier for them to get from New York to Paris."

But the Internet has done much more important things than that, from transforming business management to creating a whole new form of communication to fostering democracy abroad. Plus, it has done two of the three things Cassidy mentions, too: facilitating medical communication and scientific discovery and allowing a new generation of people to work at home. And, even if the Internet hasn't made it easier for Cassidy to get to Paris, it certainly makes it much easier for Wal-Mart and other companies to keep track of shipments everywhere else.

If I had to, I'd wager that Cassidy's publishers pushed the title and the "dot-con" thesis on him, thinking that a general narrative wouldn't sell. I'd also wager that they pushed him to

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finish the book much more quickly than he wanted. The last few chapters read like a ticker tape as he pumps out stock prices, and the rest of the book is scattered with odd repetitions, awkward prose, and errors—the funniest pair of which seems to represent an odd, perhaps astrological, fetish. Early on, he writes that the inventor of a 1975 computer "called his invention the Altair, after a character from *Star Wars*." I can't think of any such character from that film—which premiered two years after that computer was invented. Later, Cassidy refers to "Paul Allaire, the co-founder of Microsoft," when he means Paul Allen. He once cites as fact a fictional story about a made-up company called funerals.com ("We're going to put the fun back in funerals.").

Despite its flaws, the virtue of *Dot.con* is that it manages to record the whole story in one place. It also helps answer a question that had baffled me since I showed up as a newly hired editor at the *Monthly* and was almost immediately handed a scattershot submission from "a *New Yorker* writer." How does *The New Yorker* put out such a consistently clean, well-written, and clearly argued magazine? Do they just have a stable of astonishingly good writers or are there a couple of great editors in the back office with bullwhips? This book makes a strong case for thesis number two.

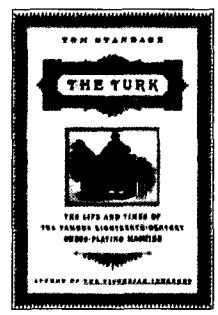
NICHOLAS THOMPSON, *a contributing editor of* THE WASHINGTON MONTHLY, *is a Markle Fellow at the New America Foundation.*

Turkish Delight

By Justin Peters

WHEN DEEP BLUE, IBM'S monolithic chess-playing computer, faced grandmaster Garry Kasparov in a best-of-six match in 1997, breathless pundits followed the action like it was the Showdown at the A.I. Corral. Warning against "the potential usurpation of mankind by its own technology," *Time* anointed Kasparov "the latest standard bearer in humanity's war against our own obsolescence." Kasparov had played and beaten Deep Blue once before, and he confidently predicted another win this second time around. Yet, unthinkably, Deep Blue emerged victorious—and as the media pondered the ramifications, Kasparov cried foul play. Unable or unwilling to believe that he had been bested by a computer, Kasparov whined to *The New York Times* that he had "met something that I couldn't explain. I have to imagine human interference, or I want an explanation."

Sour grapes aside, Kasparov's defeat, to many people, seemed like just another way in which human achievement was being overtaken by cool mechanical efficiency. Yet few people realized that this sense of electronic ennui had its antecedent 200 years prior, when a chess-playing robot known as "the Turk" confounded observers throughout Europe and America. In his intriguing new book *The Turk: The Life and Times of the Famous Eighteenth-Century Chess Playing Machine*, Tom Standage traces the Turk's history and defines its legacy. Standage, the technology correspondent for *The Economist*, has written a fast-paced, entertaining techno-history that, while overshooting its mark a few times, succeeds on the whole.



THE TURK:
The Life and Times of the Famous Eighteenth-Century Chess Playing Machine
by Tom Standage
Walker & Co., $24.00

The Turk, designed at the behest of Holy Roman empress Maria Theresa, was the most famous in a series of automata that captivated kings and savants across the Continent during the 18th and 19th centuries. Built to perform a wide range of activities—from playing a trumpet to simulating the digestive system of a duck—these automata, powered by intricate systems of gears and camshafts, were miracles of craftsmanship and mechanical skill.

Yet the Turk was unique in the robotic ranks because it appeared capable of rational, independent thought. It consisted of a figure clad in a turban and flowing, "Turkish-style" robes, seated in front of a large chest, on top of which was a chessboard. When challenged to a game, the machine's operator would wind a key in the side of the chest, and, with a whirl of gears, the Turk would grab its piece and make the first move. The Turk easily won most of the games it played. If its opponent made a false move, the machine would shake its head and return the offending piece to its starting position; if the false move was made again, it would sweep its arm across the table, scattering the pieces and ending the game.

The Turk was an instant success, and word of its prowess quickly spread across Europe. During exhibitions, people crowded into lecture halls to see the storied machine and try to find out just how it worked. Most people apparently harbored no illusions that the Turk was a genuine automaton, and attended the shows in order to discover by what sleight-of-hand the operator was controlling the machine. The Turk drew crowds in Europe for 40 years—and when Europe grew tired of the machine, its operator packed it off to America, where a whole new world waited to discover its wonders.

During the Turk's travels, it came into contact with several notable historical figures, and Standage is quick to describe the ways in which these people's experiences with the Turk impacted their lives. Some of these stories work and some of them don't. It's believable when Standage claims that Edgar Allan Poe's unique writing style was first developed in an exposé Poe wrote about the Turk. But when he attributes the idea for something like Charles Babbage's Difference Engine, a mechanical ancestor of the modern computer, to the Turk's influence on young Babbage's mind, it smacks of ill-considered authorial postulate rather than credible research.

All in all, it's an interesting story. The book reads like a slightly insane travelogue, populated by carnies, charlatans, and dreamers, all seeking to cash in on the automaton craze in one way or another. Standage is at his best in describing the era's various automata and the characters that exhibited them. Less convincing is his assertion

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that these automata served as the vanguard of a new industrial age.

Standage, who also authored 1999's *The Victorian Internet*, specializes in linking the technologies of the past with the discoveries of the present. And, as in his previous book, the connections he makes, while novel, are not always justified. Standage theorizes that these marvelous machines were the true progenitors of the Industrial Revolution: "At the intersection between entertainment, technology, and commerce, automata allowed new ideas to flow from one field to another and acted as a catalyst for further innovation." Now, some would say that population growth, mobility of labor, and the expansion of capital were the main factors behind the Industrial Revolution. But, hey, if Standage wants to attribute it to chess-playing robots, that's his prerogative.

Standage wants to pass off the Turk as a primitive form of artificial intelligence, a forerunner to Deep Blue. While it's an interesting concept, I'm not sure if the comparison is entirely valid: Deep Blue, after all, was actually run by circuitry and programming; the Turk was run by a man in a box. Yet it is interesting to note that the Turing test—the modern-day standard for measuring artificial intelligence—confirms a computer's intelligence based upon the skill with which it deceives inquisitors. If there's one thing (besides playing chess) that the Turk was good at, it was deception. And the emotions elicited by Deep Blue and the Turk are curiously similar.

Echoes of Kasparov's sputtering excuses are heard in the commentary of one of the Turk's critics, who proclaimed that the possibility "'that an AUTOMATON can be made to move the Chessmen properly ... is UTTERLY IMPOSSIBLE.'" One can't help but hear a note of latent fear in this vehement denial. Perhaps the speaker was struck by an all-too-modern feeling that, while the mechanically digesting ducks of the world were well and good, an automaton that usurped what had previously been man's most characteristic province—the brain—hit a little bit too close to home?

As we race forward into an age where the potential for technological advancement is rivaled only by the potential amount of fear that might be caused by those advances, it is good to have some historical grounding. In *The Turk*, Tom Standage has written a highly entertaining book that, all in all, succeeds in its goal of convincing us that machine intelligence is limited, but man's cunning knows no bounds.

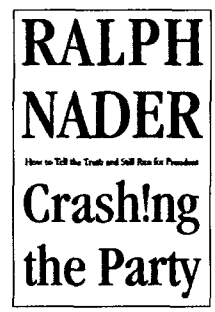
JUSTIN PETERS *is a* Washington Monthly *intern.*

Later, Nader

By Joshua Micah Marshall

Crashing the Party, Ralph Nader's memoir of his 2000 presidential campaign, is one part travelogue and one part free-ranging jeremiad against anything and everything connected to contemporary American politics. This book is not about public policy; and it moves much more briskly than one might expect given the author's fact-dense style of public speaking. But like his campaign, the book is a thoroughly insider affair with good times and positive reinforcement to those who buy into Nader's message, contempt for those who don't, and little effort to bridge the ground between the two.

Nader kicks off the narrative describing his decision to mount a second presidential run, picks up speed as his effort gets underway and old friends pledge support. Then he pulls us through the manic narrative of a year-and-a-half-long, shoestring national campaign, thick with asides about this or that local polluting power plant and morality tales about sell-out, straw-man Democrats. The mood of the book is unmistakably "onward and upward with activism." And, for those inclined to be thus inspired, that mood will likely prove inspiring. For others not under the spell, however, the mix of cliché, nostalgia, and reunion will likely have a quite different effect. For them, much of the book, particularly the first half, will have the feel and cadence of one of those early '80s TV movies where the cast of some '60s-era sitcom reassembles for one last adventure. Picture a graying Gilligan flying from city to city pitching the professor, Mary Ann, and other worthies on some quixotic quest to save the Island.



CRASHING THE PARTY:
How To Tell The Truth And Still Run For President
by Ralph Nader
St. Martin's Press, $24.95

Beneath the book's color, it is impossible not to recall the depth of bitterness and mutual incomprehension that separated Nader's supporters from those on the left who opposed him. So great was this gulf that a number of Nader's arguments, however powerful to his supporters, will likely read to his opponents like he is making their own case.

Consider the following passage in which Nader ridicules the mainstream media:

"Reporters described the assemblage as a motley crowd with a grab bag of causes having no seeming connection to one another. What, pray tell, were they protesting that the media found so difficult to describe? Here's what: poverty in an era of great concentrated wealth; corporate welfare; globalization through the WTO, NAFTA, and the World Bank, corrupt money in politics; bloated military budgets; global warming and other ecological degradations; genetically engineered foods without labeling; Occidental Petroleum's plans to drill on the sacred homeland of the U'wa tribe in Columbia; the prison-industrial complex; the widening income gap; sweatshops; the need for mass transit; tobacco industry and its lavish $1,000-a-plate events for 'Blue Dog Democrats'; and the giant media conglomerates."

And you thought it was just a grab bag of causes with no connection to one another!

Readers will also recognize the essence of Nader's campaign writ large in his literary recollection of it. The book's signature emotions are self-righteousness (about Nader's cause) and contempt (for all who disagreed with it). Nader's supporters (invariably

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described as "thoughtful") are set against a pitiful cast of sellouts, hacks, turncoats, and cowards, which constitutes more or less everyone else on the leftward side of the political universe. To be sure, Nader and his crew were treated to no small amount of derision by Al Gore's supporters in 2000. But none of it matches Nader's intensity of denunciation, the facile opportunism of many of his political gambits, or the breezy thoughtlessness of many of his attacks.

Consider another passage. Nader describes one campaign interlude in which John Judis of *The New Republic* briefly traveled with him to write a story on the campaign. (Full disclosure: Judis is a friend.) Judis ended up writing a pained article critical of Nader's campaign. In return Nader treats Judis to the standard ad hominem treatment. He first blames Judis's article on the influence of Marty Peretz, *TNR*'s perennially Gore-boosting owner. Then he blames it on Judis's jaded politics charging that Judis had "strayed from any fundamental grip on the question of corporate power in America." That's a strange criticism, though, because Judis had just written a lengthy book on pretty much exactly this topic. A small error perhaps, but a revealing one, and typical of the book.

Nader covers a lot of ground in *Crashing the Party*; he meets a lot of people; and he reviews a lot of issues. But now and again, when he happens on something that you know something about, it becomes apparent that he's talking out of some other part of his body than his mouth. There are chapters that even Nader's critics will find powerful, entertaining, and convincing. Whether Nader and Patrick J. Buchanan should have been included in the 2000 presidential debates is a question over which reasonable people may differ. But Nader levels a potent critique at the corporate-funded, bipartisan presidential commission which now presides over the debate process. Not only would the debate commission not allow Nader into the debates, they wouldn't even let him near them. Some of the book's most entertaining passages are those in which Nader describes the risible game of cat-and-mouse he and the commission's stooges played as the aspirant candidate tried to make his way even into one of the viewing areas to watch the debate.

In these market-friendly days, Nader's constant references to corporate this and corporate that can't help but strike a tinny note for many. But Nader's rants against the smugly self-contained Commission on Presidential Debates often ring true. And today, in the aftermath of the Enron debacle, accusations of widespread and systematic corporate wrongdoing can't be dismissed as obscurantist chatter nearly so easily. Nader's supporters will no doubt argue that these recent revelations show that we very much need the Ralph Nader who first sounded the alarm against corporate malfeasance in the 1960s and 1970s.

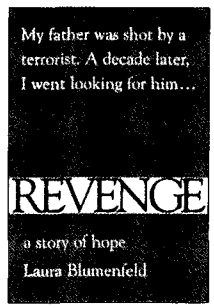
They're right. We do. Too bad the 21st-century Ralph Nader is the one we're stuck with.

JOSHUA MICAH MARSHALL *writes the Talking Points Memo (http://talkingpointsmemo.com).*

Vengeance is Mined

By Joshua Hammer

IN THE WINTER OF 1986, LAURA Blumenfeld's father was shot and lightly wounded by a Palestinian militant as he strolled through the labyrinthine alleyways of Jerusalem's old city. The attempted killing was a random attack—the gunman was part of a terrorist cell that set out to kill U.S. and British tourists in the aftermath of the U.S. bombing of Libya—but *Washington Post* reporter Blumenfeld took it personally. A decade later, during a "honeymoon year" spent in Jerusalem with her husband, a New York City prosecutor, Blumenfeld embarked on an all-consuming hunt for her father's would-be killer. As Blumenfeld writes early in her quest: "I was inhabited by a grandiose thought: My father's injury should not go unanswered."



REVENGE
A Story of Hope
by Laura Blumenfeld
Simon & Schuster, $25.00

Blumenfeld's search for the assailant is the core narrative behind *Revenge: A Story of Hope*, but the detective story is only one part of this meandering, intermittently fascinating book. For Blumenfeld isn't interested merely in finding the terrorist who fired the bullet; she has an equally obsessive need to understand her own motivations, and to confront the universal human impulse for revenge. This quest leads her through the blood-soaked Middle East, where she interviews Mossad agents, Holocaust survivors, and the then Prime Minister Benjamin "Bibi" Netanyahu about collective and personal vengeance. She also tracks down family members of victims of the 1986 terrorist shooting spree to find out how they coped with the loss or injury of their loved ones. And she takes the reader on a Cook's Tour of vengeance "experts" around the world, from black-veiled widows in Mafia country in Sicily to imams in the Iranian spiritual center of Qom to peasants in the dusty mountain hamlets of northern Albania. "I was looking for the shooter, but I also was looking for some kind of wisdom," she writes. "So much of life's turmoil comes from individuals or groups trying to settle a score. For years, from my perch at the *Post*, I had written about some dramatic examples ... Now I wanted to break it down and study it. I wanted to master revenge."

Her excursions far afield yield some gut-wrenching stories and some interesting anthropological detail: In Albanian villages ruled by a medieval set of laws known as the canon, for example, she meets families who for decades have never ventured beyond their doorstep to avoid being killed by descendants of murder victims. And there's an emotional conversation with a Mossad agent named Rafi

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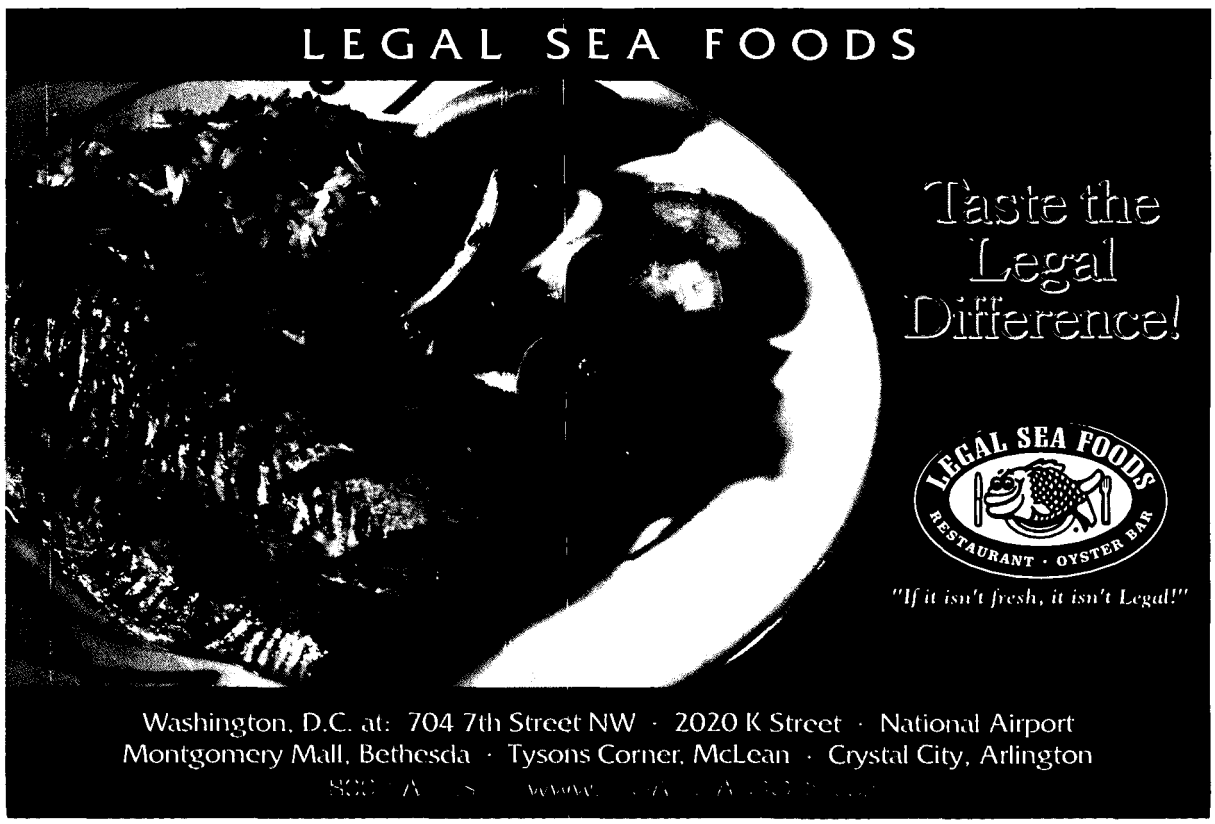
Eitain who helped kidnap Adolf Eichmann from Argentina in 1960 and describes the great satisfaction of carrying the captured Nazi by the head as he's hauled off to a waiting car. "I felt I should touch his head, to show him, 'You tried to destroy us—we're still alive. And your head is in my hands'," he tells her. But mostly her adventures result in a series of all too familiar epiphanies. "In all the simple justice stories I had heard ... the weak become strong, the strong became weak," she writes. "That was what made their revenge a success."

Much of this chronicle feels bloated and adrift, as if the author were straining mightily to flesh out to book length what should have made, at best, a long magazine article. We are treated to endless ruminations between her and her husband Baruch, a New York assistant district attorney who, during Blumenfeld's sojourn in Israel, is called away to prosecute boxing promoter Don King for fraud (thus providing Blumenfeld with an opportunity to pad her narrative with some irrelevant trial detail.) There are lengthy and self-indulgent excursions into Blumenfeld family dynamics, as well as trivial events that Blumenfeld strains to elevate to moments of grand significance, such as a half-dozen pages in which the author tries to trick her father into eating a plate of sugar wafers prepared by the family of the "mastermind" of the terrorist attacks.

Revenge works best when it sticks to its core narrative, the pursuer drawing ever closer to her prey. Blumenfeld's search to discover the identity of the assailant leads her to the West Bank city of Ramallah, where she insinuates herself into the lives of the terrorist's unsuspecting family. (One feels a frisson of discomfort at Blumenfeld's decision not to reveal her true identity.) After an unsuccessful attempt to sneak into a prison in Ashkelon, Blumenfeld embarks upon an intriguing correspondence with the man that leads to a face-to-face encounter in court—the climactic moment that offers the paradoxical "hope" in the book's title. (I won't give away the ending.)

Still, undermining Blumenfeld's tale throughout is the nature of her father's injury: One is thankful that David Blumenfeld incurred no greater harm than a grazed scalp, but the minor wound drains the book of much of its potential potency. We never really grasp why Blumenfeld's need for vengeance is so consuming, and why she feels so driven to confront her father's assailant, who has been locked in an Israeli jail cell for a decade. Blumenfeld explains that the very insignificance of her father's wound accounts for her obsession: "If my father had been murdered, I would have been too broken to do anything except, perhaps, believe that God would take care of his killer," she writes. That sounds a little disingenuous. Lurking behind Blumenfeld's protestations, one suspects, is the yearning of an ambitious journalist searching for a book subject. Blumenfeld labors hard to dispel that impression, but it lingers.

JOSHUA HAMMER, Newsweek's *Jerusalem bureau chief, is the author of* Chosen by God: A Brother's Journey.



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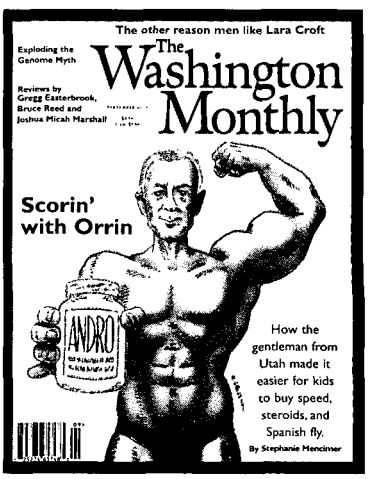

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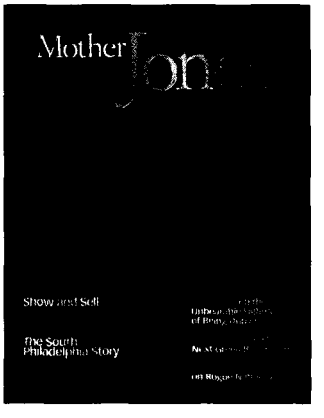

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